MUNICIPAL ELECTIONS HANDBOOK

1991

Nova Scotia

Department of
Municipal Affairs

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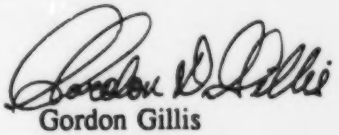
FOREWORD

This is the sixth edition of the Municipal Elections Handbook first released following the passage in 1979 of the Municipal Elections Act, which is the statute now governing all municipal and school board elections.

The handbook is intended to assist election officers, candidates, campaign workers and others involved in the process to understand the required procedure and conduct an election that is fair and efficient.

We wish to extend our gratitude to the Municipal Elections Officer and the staff of Policy Development and Research Division of the Department of Municipal Affairs for their role in producing and revising this handbook. Of course, the Municipal Elections Act must be followed for official reference if there is any conflict between it and the handbook.



Gordon Gillis
Deputy Minister

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MUNICIPAL ELECTIONS HANDBOOK

Introduction

This handbook has been prepared to assist election officers, candidates, campaign workers and others to understand municipal election procedures. All mayors, councillors, aldermen and elected school board members are elected on the same day for three year terms. The election procedure is governed by the Municipal Elections Act and the School Boards Membership Act.

This Handbook explains some parts of the legislation and makes practical suggestions for procedures to be followed. Instructions for enumerators are in Appendix "A". Instructions for deputy returning officers and poll clerks are in Appendix "B". Numbers shown in square brackets are references to section numbers in the Municipal Elections Act. References to forms are references to the forms prescribed pursuant to the Municipal Elections Act.

The reader is cautioned that preparation of a handbook containing practical suggestions must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and therefore reference should be made to the Municipal Elections Act, to the School Boards Membership Act and to municipal solicitors or lawyers in private practice as circumstances require.

Materials Issued by the Department of Municipal Affairs

The Policy Development and Research Division of the Department of Municipal Affairs makes available the following publications respecting municipal elections:

1. Municipal Elections Handbook (1991)

2. A Calendar Guide to Municipal Elections 1991

3. A Candidate's Guide to Municipal Elections 1991

Copies of these publications are available from the Nova Scotia Government Book Store, One Government Place, P.O. Box 637, Halifax, Nova Scotia, B3J 2T3 (424-7580).

Municipal Elections Officer

The Municipal Elections Act provides for the appointment of a provincial public servant as the Municipal Elections Officer. This person can be contacted through the Department of Municipal Affairs. His or her duties are:

(a) to issue to returning officers such instructions as he or she may deem necessary to assist in the effective execution of the Municipal Elections Act;

(b) to perform such other duties as are prescribed by or under the Municipal Elections Act.

PREPARATION FOR THE ELECTION

Election Supplies

Each municipality is responsible for providing its own election materials and supplies, including forms, voting compartments and ballot boxes. Where quantities warrant, municipalities routinely make their own printing arrangements. Other municipalities obtain forms and materials from suppliers in the province.

School Board Elections

Generally speaking, the provisions of the Municipal Elections Act govern the election of persons to the school boards, and school board elections are conducted at the same time as other municipal elections (School Boards Membership Act, s.8). Qualifications of candidates are the same for school board members as for councillors but specific disqualifications are contained in subsection 18(3) of the Municipal Elections Act. Subsection 18(9) of the Act says subsection (3) applies to school boards and none of the other subsections in Section 18 apply, so there are minor differences between the eligibility requirements to seek election as a councillor and the eligibility requirements to seek election to the school board. This is explained in fuller detail on pages 9 and 11 of this handbook.

There are district school boards in the province which serve more than one municipal unit. In many cases, the electoral district or constituency of a school board member overlaps municipal boundaries. Special rules respecting returning officers for these elections, acceptance of nomination papers, deposits to be made with nomination papers and the disposition of the deposits are contained in sections 5 and 52 of the Municipal Elections Act. In addition, a returning officer receiving a nomination paper from a candidate for school board in an electoral district which overlaps municipal boundaries should obtain from the candidate a certificate that rates and taxes have been paid by the candidate in both or all the municipal units which are wholly or partly included in the candidate's electoral district.

A person who moves within six months before ordinary polling day from one municipal unit to another but who remains within the boundaries of a school board constituency (because it overlaps municipal boundaries) is eligible to vote in the school board election even though that person is not eligible to vote for members of Council in either the municipal unit where he or she was living before the move or the municipal unit where he or she is living after the move.

For example, the Town of Berwick and polling districts 5, 6, 7 and 8 of the Municipality of Kings County are one electoral district for school board purposes. If a person moves from polling district 5 in the Municipality of Kings County to the Town of Berwick within six months before polling day, that person is not eligible to vote for members of Council in either district 5 or in the Town of Berwick, but he or she may vote for a candidate for the school board in that area.

In such a case, the elector should go to the polling station in the place where he or she resides on ordinary polling day and should be sworn in there for the school board election purposes only. The form which should be used for this purpose is attached as Appendix "C" to this handbook. A person who is sworn in with this form should only be given the ballot for the school board and not a ballot for the councillor or mayor.

Subsection 7(6) of the School Boards Membership Act provides:

(6) The cost of conducting an election pursuant to this Section shall be borne by each of the municipalities in which the election is conducted.

This means that municipalities are responsible for voting costs, including all costs relating to the operation of polling stations, within the municipal boundaries even where the councillor has been elected by acclamation and only a school board election takes place.

Municipal Conflict of Interest Act

One of the main purposes for enacting the Municipal Conflict of Interest Act was to permit more persons to be candidates for municipal office. Before that Act was passed, anyone who had a contract or business dealing with a municipality was not permitted to seek election as councillor for that municipality. Now, under the Municipal Conflict of Interest Act, that person is eligible to be a candidate and to serve on the Council but the councillor must declare any pecuniary interest in any matter coming before the Council and withdraw from the discussion and from the vote on that item. In other words, instead of disqualifying the person from seeking election, the person may now be elected but must declare and withdraw from consideration of a matter in respect of which he or she has a pecuniary interest.

There is, however, a retention of the disqualification based on pecuniary interest in any city which has provided by by-law that Section 19 of the Municipal Elections Act applies to a municipal election. At the time this handbook was prepared, the City of Halifax was the only place with such a by-law.

Plebiscite

A plebiscite may be held in conjunction with a municipal election. Legislative provisions authorizing a plebiscite are found in Section 91 of the Municipal Act, Section 55 of the Towns Act and in the City Charters. The Municipal Elections Act sets out the procedures to be followed during a plebiscite.

Where there is to be a plebiscite, the returning officer should keep in mind that electors will take a longer time marking ballots in the voting compartment and, if necessary, administrative steps should be taken to prevent line ups or long delays. For example, if a polling division has a particularly large number of names, it may be appropriate to split the poll alphabetically to create an additional polling station for the convenience of the voters. It may also be necessary to provide polling stations with an additional ballot box in case the first one is filled before the polls close.

Appointment of Returning Officer

The Council of the municipality appoints the person to act as returning officer for a regular or special election. The returning officer exercises the general direction and supervision over the administrative conduct of the election, appoints and instructs other election officers, and performs other duties set out in the Municipal Elections Act.

Before commencing his or her duties, the returning officer takes the oath of office in Form 1 in the Schedule to the Municipal Elections Act. [s.4].

On the recommendation of the returning officer, the Council may appoint a registrar of voters to oversee the conduct of an enumeration and generally to assist the returning officer in the preparation of the preliminary list of electors. Such an appointment should be made on or before the first day of May in a regular election year. [s.22].

Questions arose during the 1988 elections about the appointment of an acting returning officer who could act in the absence or illness of the returning officer. Absence of the returning officer was a problem when the annual meeting of the UNSM occurred during nomination week. The Municipal Elections Act does not provide for an acting returning officer. However, if it becomes necessary to appoint someone because of the absence or illness of the returning officer, Council should make such an appointment for the time that the returning officer cannot act. Since the taking of nominations is one of the most important functions of the returning officer, Council should ensure that any replacement be knowledgeable about the qualifications of candidates.

Tariff of Fees

Payment to be made to the returning officer, enumerators, deputy returning officers, poll clerks, revising officers, and other election officers may be fixed in a tariff of fees approved by a resolution of the Council [s.139]. In Appendix "I" of this handbook, there is a model tariff of fees and expenses to show the format which a Council may follow when approving the tariff. Of course, the Council may vary this format as it sees fit.

Other Election Personnel

In respect to the qualifications of election personnel, i.e.; poll clerks and deputy returning officers, Section 8(1) of the Municipal Elections Act provides that these officers must not have been convicted of bribery or of a corrupt practice within ten years preceding ordinary polling day, and subsection (2) requires the taking of an oath.

Polling Divisions

For the convenience of election administration, polling districts may be divided into polling divisions. The term "polling district" is defined in clause 2(1)(x) of the Municipal Elections Act as including a ward, or a town which is not divided into wards. The expression "polling division" is defined in clause 2(1)(y) of the Municipal Elections Act to mean one of the parts into which a polling district is divided for the purpose of better taking the vote.

The expression polling division is sometimes confused with polling district. The difference between the meaning of each expression must be remembered when reading the provisions of the Municipal Elections Act.

One of the first duties of a returning officer is to decide how many polling divisions are necessary in each polling district in the municipality. Section 9 of the Municipal Elections Act sets out criteria for the establishment of polling divisions. It provides that a polling division should contain approximately 700 electors. Numbers will vary depending on the geographical and other factors which may affect the convenient conduct of the election. Past practice and voting habits of persons in the municipality should be considered.

Polling division boundaries should be described in ordinary language which can be understood by enumerators and others who will have reason to be familiar with those boundaries. The use of a metes and bounds description prepared by a lawyer or a surveyor is not necessary.

A list of electors will be prepared for each polling division. This may involve an enumeration or the use of other election lists. A copy of this list of electors will be used at the advance poll and another copy will be used at the ordinary poll to mark off the names of voters who have voted there. The list may also be used by candidates who wish to contact electors during the campaign.

There will be a polling station for each polling division within a polling district. In other words, a ballot box will be set up for each group of approximately 700 electors. An elector may only vote at the polling station which is established for his or her polling division.

Subsection 9(4) of the Municipal Elections Act requires a returning officer to establish a separate polling division for each home for the aged approved, and each nursing home licensed under the Homes for Special Care Act as long as ten or more electors reside there. This is a legal requirement with which all returning officers must comply. Some of these polling divisions will contain a very small number of persons but the Legislature has determined that it is appropriate to make this arrangement for the convenience of residents at such facilities. Polling stations at these facilities must remain open from 8:00 am to 7:00 pm on ordinary polling day, the same as other polling stations, even if it appears that all persons in the facility have voted.

A list of homes for the aged approved, and nursing homes licensed under the Homes for Special Care Act with ten or more beds, as of February 1991, is contained in this handbook as Appendix "G". There are some facilities, such as residential care facilities, at which elderly people may reside but at which it is not necessary to establish a separate polling station. A polling station may be established at a facility not named in the list but it is not necessary to do so.

Qualifications of Electors

Section 14 of the Municipal Elections Act provides that a person is entitled to be registered on the list of electors and to vote who:

(a) is of the full age of 18 years on ordinary polling day;

(b) is a Canadian citizen or British subject; and

(c) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months immediately preceding ordinary polling day and who continues to so reside.

The expression "British subject" is not defined in legislation of the Province at the present time. Reference to legislation in Canada and the United Kingdom indicates that the expression "British subject" means a citizen of a Commonwealth country.

Countries in the Commonwealth are:

Antigua and Barbuda
Australia
Bahamas
Bangladesh
Barbados
Belize
Botswana
Brunei
Canada
Cyprus
Dominica
Gambia, The
Ghana
Grenada
Guyana
India
Jamaica
Kenya
Kiribati
Lesotho
Malawi
Malaysia
Maldives
Malta
Mauritius
Naura
New Zealand
Nigeria
Papua, New Guinea
Saint Christopher and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Scotland
Seychelles
Sierra Leone
Singapore
Solomon Islands
Sri Lanka
Swaziland
Tanzania
Tonga
Trinidad and Tobago
Tuvalu
Uganda
United Kingdom
Vanuatu
Western Samoa
Zambia
Zimbabwe

A "landed immigrant" who is not a British subject is not eligible to vote. Material given to potential new citizens has indicated that they may be entitled to vote in municipal elections in some provinces. This is not the case in Nova Scotia unless the person is a British subject.

Also, a person is not eligible to vote by reason only that he or she pays taxes to the municipality.

Preparation of Lists of Electors

Section 30 of the Municipal Elections Act says the Council may, by resolution, authorize the returning officer to use the list of electors from the most recent federal or provincial election if the election was within twelve months immediately before ordinary polling day for the municipal election.

For a special election, the Council may, by resolution, authorize the returning officer to use the list of electors prepared in the most recent federal, provincial or municipal election regardless of when it was held.

The use of these lists of electors may be authorized by a Council for part or all of the municipality. In some cases, Councils have selected polling divisions, such as apartment buildings, where a new enumeration is appropriate.

Unless the use of federal or provincial election lists is authorized, lists of electors are prepared by conducting an enumeration. For a regular election, the enumeration must commence on or before May 31 and the enumerators should certify and return their index sheets to the returning officer on or before June 10.

If a substantial number of names have been omitted from the list in any area, the returning officer or registrar of voters may appoint additional enumerators to register persons in that area. [s.29]

It is advisable for the returning officer to give specific instructions to enumerators before they commence their duties. An outline of these instructions may be taken from the material which follows in Appendix "A" to this handbook. It may be wise to provide the material to enumerators in written form.

Who Can Vote

Section 97 of the Municipal Elections Act states who may vote at a polling station on ordinary polling day. In summary, persons on the final list, qualified persons sworn in at the polling station, or persons presenting transfer certificates may do so.

However, Section 97 does not mean that all persons on the final list are qualified to vote. A considerable period of time elapses from the completion of the final list (before August 31) and voting in October. If a person moves during that time, the person may not be qualified to vote at the polling station where they are named on the final list.

The residence qualification for electors in Section 14 applies up to and including ordinary polling day. Subsection 82(2) states that an elector votes at the polling station where he or she resides on ordinary polling day. The oath of qualification (Form 24), which may be administered to any elector on ordinary polling day, requires the elector to swear or affirm that he or she, on ordinary polling day, actually resides in the polling division for which the polling station is established. These provisions make it clear that a person who moves after his or her name has been included on the final list of electors may become disqualified by ceasing to have the necessary residence qualification.

Nominations

Section 17 of the Municipal Elections Act sets out the minimum qualifications for a candidate for councillor and these qualifications also apply to an elected school board member.

A candidate must be "an elector". The word "elector" is defined in clause 2(1)(m) and means a person qualified to vote at an election, whether or not his or her name is on a list of electors. Therefore, if, for some reason, a potential candidate has been left off the preliminary list or the revised list of electors, that person may still be nominated if he or she is otherwise qualified.

A candidate must have been ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months preceding nomination day. The expression "ordinarily resident" is further defined in Section 16, the key words of which make reference to, "the place ... to which, when away, he intends to return". Intention is a key element.

The expression "area annexed to the municipality" refers to an area which has been added to a municipality by reason of an annexation or amalgamation and does not simply mean an area "adjacent" to a municipality. In other words, the candidate must have been living in the area which now constitutes the municipality for a period of six months, whether or not that area was within the boundaries of the municipal unit for the whole six months.

A candidate must obtain a certificate that his rates and taxes and other charges of all kinds due to the municipality by the candidate have been fully paid, with the exception of rates for water, electricity or other service provided within four months before nomination day. The certificate relates only to the candidate's personal obligations and not the obligations of a company of which he may be a shareholder. In the case of a candidate for a school board where the electoral district of the school board overlaps municipal boundaries, a certificate must be obtained from each municipality within the constituency.

Section 18 of the Municipal Elections Act describes persons who are ineligible to be nominated or to serve as councillors or on the school board even if they possess the minimum qualifications set out in Section 17.

The disqualifications for councillor are contained in subsections 18(1) and (2) which provide:

18(1) No person is qualified to be nominated or to serve as councillor who

(a) is a member of the House of Commons or Senate of Canada;

(b) is a member of the Legislative Assembly;

(c) is a member of the Council of another municipality;

(d) accepts or holds office or employment in the service of the municipality, or any utility, board, commission, committee or official thereof, to which any salary, fee, wages, allowance, emolument, profit or other remuneration of any kind is attached, for so long as he holds or is engaged in the office or employment, but this disqualification does not apply in respect of an office or employment

(i) as a volunteer fireman with a municipal firefighting organization,

(ii) with a school board, or

(iii) with a joint body of two or more municipalities to which the municipality appoints at least one representative and to which the municipality provides funding;

(e) is interested in a contract with a city to which Section 19 applies as described in that Section; or

(f) has

(i) within five years before nomination day been convicted of or completed a sentence for an offence, or

(ii) at any time been convicted of two or more unrelated offenses occurring at separate times,

if the offence is punishable by imprisonment for two years or more.

(2) During a special election, no person is qualified to be nominated as councillor who is a member of a school board.

It may be noted that clause 18(1)(d) refers to a person who "holds office or employment in the service of the municipality". This means that a person cannot be a candidate for councillor of the municipality by which he or she is employed, but a municipal employee is not disqualified by this section from seeking election to the Council of another municipality. Of course, his or her contract of employment or terms and conditions of employment may prohibit him or her from doing this, but that is between the employee and his or her employer.

Subsection 18(2) is a new subsection. It replaces a provision that prohibited an elected member of a school board from being nominated as a councillor. It used to be necessary for elected school board members to resign from the school board before filing nomination papers for the Council. This restriction no longer applies during a regular election. However, during a special election to fill a vacancy on the Council, a member of the school board would have to resign before filing his or her nomination.

Disqualification provisions respecting a school board are contained in subsection 18(3) of the Municipal Elections Act which provides:

> (3) No person is qualified to be nominated or to serve as a member of a school board who
>
> (a) is a member of the House of Commons or Senate of Canada;
>
> (b) is a member of the Legislative Assembly;
>
> (c) would be a member of a school board and a councillor of a municipality at the same time, except in the case where the Council of the municipality appoints the councillor to the school board;
>
> (d) accepts or holds office or employment in the service of the school board so long as he holds or is engaged in the office or employment;
>
> (e) is interested in a contract with a school board to which Section 19 applies as described in that Section; or
>
> (f) has
>
> (i) within five years before nomination day been convicted of, or completed a sentence for, any offence, or
>
> (ii) at any time been convicted of two or more unrelated offenses occurring at separate times,
>
> if the offence is punishable by imprisonment for two years or more.

This list of disqualifications is an exhaustive one in respect to school boards and no additional disqualifications from the list respecting councillors apply. This is the effect of subsection 18(9) which provides:

> (9) Notwithstanding Section 8 of the School Boards Membership Act, subsection (3) applies to school boards and all other subsections of this Section do not apply to school boards.

As with the Council, the reference to an "office or employment in the services of the school board" is a reference to the board for which a person works. An employee of one school board may run for office in another school board, but not for office in the board by which he or she is employed.

Section 19 of the Municipal Elections Act disqualifies a person from seeking office as a mayor or alderman in a city which adopts the section if that person is interested in a contract described in Section 19. At present, Section 19 applies only in the City of Halifax. Subsection 19(3) provides that Section 19 also covers candidates for a district school board where the area served by the district school board is entirely contained within the city. This means that the Section 19 disqualification also applies with respect to the school board serving the City of Halifax.

Sections 42 to 49 of the Municipal Elections Act describe the nomination procedure. The nomination paper must be completed by not fewer than five persons whose names appear on the final list of electors and who are qualified to vote for the candidate. It is a routine practice for candidates to obtain several additional names in case some are found to be unsuitable.

The candidate must sign the nomination paper unless the candidate is absent from the municipality and, by letter, telegram, cable or other form of written communication, names an official agent and authorizes the official agent to complete the nomination on behalf of the candidate. The written authorization must be filed with the returning officer before the nomination paper is filed [ss.44-45].

The nomination papers should be accompanied by a deposit in the amount determined by the municipality and the appropriate certificate in respect of rates and taxes due to the municipality.

If the returning officer is satisfied that all requirements of the Act have been complied with, the returning officer signs the receipt on the nomination paper [s.48]. Once the nomination paper has been accepted by the returning officer in this fashion, the returning officer must not reverse his or her decision and subsequently reject the nomination paper. Once it has been accepted, the person is entitled to appear on the ballot as a candidate. Obviously some care should be taken at the time the nomination paper is filed to be sure that it is done correctly. For this reason, it is wise for returning officers to encourage candidates to file early.

If insufficient candidates are nominated to fill the vacancies at a regular or special election, the Council or, where there is no Council, the Minister of Municipal Affairs must name the day for a special election to fill the vacancy. In the case where more than one candidate is to be elected and at least one candidate has been nominated by the close of nominations, that candidate should be declared elected. Vacancies only exist for the number of unfilled positions.

Section 53 of the Municipal Elections Act provides for the withdrawal of a candidate after he or she has filed nomination papers if he or she appears in person or by his or her official agent before the returning officer before 4:00 in the afternoon on the day after nomination day and files a declaration signed by either the candidate or the candidate's official agent indicating that he or she withdraws as a candidate. If this happens, the candidate is deemed never to have been nominated. If a candidate withdraws at any time after his or her nomination paper has been filed, his or her deposit is forfeited.

Ballot Papers

The requirements for ballot papers are set out in Sections 65-67 of the Municipal Elections Act. The ballot paper is to be as shown in Form 13 of the Municipal Elections Act.

Clause 66(1)(c) says that the ballot should show "the names of the candidates with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names". For this purpose, the candidate's name should be the name by which he is known in the community. It may be necessary to include nicknames, especially in communities where a large number of people have the same surname. For example, a ballot may show a candidate's name as "John "Red" MacDonald". Or the ballot may disclose the candidate as "Billy A. MacDonald" where the community would simply not recognize his name if it appeared as "William Arthur MacDonald". On the other hand, the Act specifically states that no title, honour, decoration or degree shall be included with the candidate's name on the ballot.

The front of the ballot should show, at the top, whether the ballot is to be marked for one candidate only or for not more than a particular number of candidates. Ballots which can be marked for more than one candidate may be counted even if the voter does not indicate as many choices as he or she is permitted to indicate. For example, if the voter can vote for not more than four candidates, but chooses to vote for only one of them, the ballot is still counted.

It is not necessary to affix the municipal seal to all of the ballots in order to identify them. The use of serial numbers and careful control of printing arrangements provides sufficient security.

Where the ballot is for a mayor or school board member who is to be elected by people in more than one polling district, it is not necessary to show the polling district or ward number on the back of the ballot because all ballots should be uniform and it will be used in more than one polling district or ward. A general description of the constituency is sufficient in that case.

A minimum of one ballot box is required for each polling station in a municipality. Ballots are to be printed on different colours of paper for different offices [s.67] so ballots can be quickly separated when they are taken from the ballot box for counting. On the other hand, with separate ballots for mayor, for councillor, for school board and for a plebiscite there may be a large quantity of paper involved and a returning officer should be sure to supply additional ballot boxes to each polling station so that the first one can be replaced if it is filled.

Section 68 requires that each polling station be supplied with at least ten per cent more ballot papers than there are electors on the final list of electors for the polling station. This allows additional ballots for electors who may be sworn in at the poll, or for electors who may spoil ballots and ask for replacements. This number should be considered when ballots are ordered. The returning officer should order in excess of ten per cent more ballots than there are electors on all of the lists where the ballots will be used. Also, a returning officer should

order ballots to be in books of twenty-five, fifty, and one hundred. Some of each is quite helpful. For example, to supply an additional ten per cent of ballots to a polling station where 500 names are on the list, an extra book of 50 will suffice. If all ballots are in books of 100, then the minimum additional number that can be supplied to that polling station would be twenty per cent. Returning officers should also keep some ballots on hand in their own offices to be supplied in emergencies. The number of ballots to be available at an advance poll is more difficult to decide because any number of people may happen to vote. Reference should be made to the number of people who voted at the advance poll during the last regular municipal election.

Directions to Electors

Section 81 of the Municipal Elections Act requires posting of the directions to electors in Form 23 in a conspicuous place outside and near the polling station and in a conspicuous place in the voting compartment of the polling station. Form 23 includes a sample ballot. The use of a copy of an actual ballot is not recommended for this purpose. It is possible that comments could be written on the sample ballot near a candidate's name, particularly on the Form 23 posted in the voting compartment. It is much better to use a form of directions which has fictional names. A sample appears in Appendix "D".

Polling Station Locations

Subsection 114(1) of the Municipal Elections Act provides that an advance poll must be located in premises which permit convenient access by a physically disabled elector. A physically disabled person is one of those electors authorized to vote at the advance poll and for that reason it is essential for the location to be accessible.

Where it is feasible to do so, accessible premises should be selected for ordinary polling station locations as well. This will permit a physically disabled elector to exercise his or her franchise without obstruction and without taking special steps to obtain transfer certificates or to vote by proxy.

One or more of the polling stations in each polling district in a municipality must be in premises which permit convenient access by a physically disabled elector. [s.63] The location of this polling station is published by advertisement in a newspaper. A sample advertisement appears in Appendix "C".

Transfer Certificates

Certain persons are eligible to transfer from one polling station to another where it is better for them to vote. A candidate or an agent acting on behalf of a candidate may choose any polling station within the polling district or electoral district. A deputy returning officer or poll clerk may choose to vote at the polling station where they are working rather than at the polling station where their names appear on the list. A disabled elector may wish to transfer from his or her own polling station to one which is accessible.

An elector applies for a transfer certificate by completing an affidavit in Form 18 and a transfer certificate is then issued by a returning officer or an election clerk in Form 19 or Form 20.

Either Form 19 or Form 20 is completed in triplicate. The original is given to the elector, one copy is delivered to the polling station where the elector's name appears on the list of electors, and the third copy is kept in the returning officer's headquarters.

Form 19 applies when the elector wishes to vote at a polling station within the same polling district, while Form 20 is used to permit an elector to vote in another polling district within the municipality. Subsection 73(2) of the Municipal Elections Act authorizes a transfer certificate to permit an elector to vote at a polling station in another polling district within the municipality but the transfer certificate will be restricted to permit the elector to vote only for those offices or matters for which he or she could have voted at the polling station where his or her name appears on the list of electors. For example, if the polling district in which the elector appears on the list of electors has a councillor elected by acclamation the only office for which he or she has a vote is for mayor. He or she could not therefore transfer to another polling district and vote for a councillor as well as mayor.

The elector may vote at the polling station named in the transfer certificate by presenting it at that polling station. If the elector chooses to vote at the polling station where his or her name appears on the list, her or she must surrender the transfer certificate before being permitted to vote there.

Transfer certificates must be issued by not later than 5:00 in the evening of the Wednesday before ordinary polling day.

Proxy Voting

There are two Forms used for proxy voting:

(a) an application for a proxy vote (Form 21), which is completed and submitted to the returning officer; and

(b) the proxy paper (Form 22), which the returning officer issues upon receipt of a completed application.

Each returning officer should have a large supply of application forms available for distribution to candidates, workers for candidates or electors so that any of them can contact a person who may wish to vote by proxy and assist with the completion of the application. It is likely that there will be a large demand for application forms but that only a small number of them will be completed and returned to the returning officer.

An elector is qualified to vote by proxy if he or she is

(a) a fisherman or mariner serving in any capacity on a ship licensed or registered in Canada or the British Commonwealth;

(b) employed on an off-shore oil rig;

(c) a patient in a hospital having ten or more beds, if a polling station is not to be established there in accordance with Section 88;

(d) serving on full-time service with the Canadian Armed Forces;

(e) a full-time student at an educational institution;

(f) a resident in a home for the aged approved or a nursing home licensed under the Homes for Special Care Act, if a polling station is not to be established there in accordance with Section 88;

(g) a person whose illness or physical incapacity prevents him or her from voting, and who does not intend to vote with assistance in accordance with Section 86; or

(h) a person who is blind and does not intend to vote with assistance in accordance with Section 86.

Not all electors are permitted to vote by proxy. For example, the Act does not permit a person to vote by proxy if he or she will be away on vacation during the advance poll and on ordinary polling day.

If a person in one of the classes listed above wishes to vote by proxy, that person should complete and sign the application form (Form 21). If the elector completing the application form is not sure of his or her number on the list, or his or her polling division number, those spaces can be left blank and can be completed by the returning officer, as long as there is no doubt about which elector has signed the application. Frequently, students who complete the application form while away from home will not have the list of electors available and therefore will not have that information.

The application form includes a certificate to be signed by a person who is qualified to certify the status of the applicant. Persons who may complete the certificates are those described in subsection 76(2) of the Municipal Elections Act. For example, a person who is disabled should have his or her disability certified by a qualified medical practitioner.

When the application form has been completed, it should be returned to the returning officer at any time between the fifteenth day before ordinary polling day and 5:00 pm on the third day before ordinary polling day. It is not proper for the returning officer to issue a proxy paper (Form 22) after 5:00 pm on the third day before ordinary polling day.

The application form must be delivered to the returning officer either by the elector who wishes to appoint another to vote by proxy, or by the proxy voter who will act for the elector. No other person may bring this application form to the returning officer. This may mean some travelling for people in large municipalities. Indeed, it may be wise for returning officers to make arrangements to travel to isolated communities within the municipality for the purpose of receiving proxy application forms. If the returning officer plans to do this, he or she should advise all candidates in the area of the time and place where the proxy applications will be received so they can pass the information along to qualified persons. The tariff of fees set by the Councils in rural municipalities should reflect this cost.

When the returning officer receives the application in Form 21,

(a) the returning officer must be satisfied that the elector completing the application is within a class of those who are qualified to vote by proxy;

(b) the returning officer must be satisfied that

(i) the elector and proxy voter are each on the list of electors for the polling division where the elector is ordinarily resident, or

(ii) the proxy voter is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the elector and is on the list of electors for the municipality in which the elector is ordinarily resident, or

(iii) where the polling division is a home for the aged approved or a nursing home licensed under the Homes for Special Care Act, the proxy voter is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the elector and is of voting age; and

(c) the returning officer must be satisfied that

(i) a proxy paper has not been issued by him to another person to act as proxy voter of the elector, and

(ii) the proxy voter has not been previously appointed a proxy for any other elector, other than for an elector who is a child, grandchild, brother, sister, parent, grandparent, husband or wife of the proxy voter.

The person who will exercise another's proxy must be on the same list of electors except where the elector whose proxy is to be exercised is a family member of a relationship referred to in the foregoing paragraph.

If the name of an elector does not appear on the final list of electors, that elector is not eligible to vote by proxy. A person who has been left off the list of electors is permitted to vote at the advance poll [s.123(1)] or on ordinary polling day [s.98] upon completing the oath in Form 31.

Where it has been necessary to divide a list of electors into two or more separate lists because of the number of names (for example, A-L and M-Z), the list of electors for the polling division is the list before it is divided. Therefore, an elector whose surname begins with A can be the proxy voter for an elector whose surname begins with Z. The procedure will be for Mr. A to go to his polling station to cast his own vote and then to take the proxy paper (Form 22) to the polling station where Mr. Z should vote. At that second polling station, Mr. A. will be permitted to vote and Mr. Z's name will be crossed off the list.

A proxy voter may only vote by way of proxy for one person except where the person whose proxy is being exercised is a child, grandparent, brother, sister, parent, grandparent, husband or wife of the proxy voter. For example, a father of two students, who are on the list where their family home is located, may exercise the proxy for both of his children by presenting proxy papers (Form 22) for each of them at the polling station where he appears to vote.

It is a common mistake for people to think that a duly completed application for a proxy vote (Form 21) is the only document required. Deputy returning officers should be instructed not to allow a person to vote by proxy unless the proxy paper in Form 22 is produced.

On receiving an application for a proxy vote (Form 21), the returning officer should complete the proxy paper form (Form 22) in triplicate and should consecutively number each set of proxy papers before any copies are issued. The copies are distributed as follows:

(a) the original goes to the elector or the proxy voter who presented the application and this copy will be used by the proxy voter on ordinary polling day;

(b) a copy remains in the office of the returning officer for public inspection; and

(c) the third copy is put in the ballot box for the polling station where the name of the elector is listed and where the proxy voter will be appearing to vote.

No person is permitted to vote by proxy at an advance poll because the elector whose proxy is being exercised is not present and therefore not able to comply with the requirements of Section 115 of the Municipal Elections Act. This Section requires each person who votes at the advance poll to make a declaration in Form 36. This form can only be completed by the elector himself or herself.

It sometimes happens that a person who is eligible to vote by proxy will appoint one person (perhaps a worker for a candidate) to vote by proxy and then a family member will volunteer to act. In that case, the first one to deliver a completed application to the returning officer will be entitled to vote by proxy unless the proxy paper first issued is returned to the returning officer for cancellation before a second is issued.

The proxy paper is a written direction, signed by the returning officer, permitting one person to vote in the place of another and, therefore, the proxy paper forms should be carefully controlled. In no case should a returning officer issue a blank Form 22 (Proxy Paper).

Agents of Candidates [ss.70-72]

The Municipal Elections Act provides for the appointment of two types of agents to act for a candidate. A candidate may appoint one official agent and any number of other agents who will be authorized to represent the candidate at a polling station specified in the form of appointment (Form 15).

The official agent acts as an agent at large and is authorized to enter any of the polling stations. The candidate signs the appointment in Form 17. The official agent must then complete the oath before the returning officer using that same form. Once this oath is taken, it is not necessary for the official agent to be sworn in at each polling station which he or she may enter on ordinary polling day. The appointment must be shown to the DRO when the official agent first comes to the poll. This appointment may be made at the time the candidate files a nomination paper or at any other time not later than the third day before ordinary polling day.

A candidate or the candidate's official agent may appoint an agent to act at a polling station by completing Form 15. Form 15 must disclose the name and address of the person who will act as the agent and must designate the polling station number at which the agent is authorized to act. An agent having this appointment must present Form 15 at the polling station when he or she first arrives and must take the oath of an agent (Form 16), which is in the poll book, at that time. Only one agent may be present in the polling station during polling hours but the agent does not have to stay there and other authorized agents may act as replacements throughout the day. There is no limit on the number of agents who can be appointed to act at a polling station and there is no limit on the number of polling stations for which one individual may be appointed as agent. However, a separate Form 15 must be completed for each person who will act as agent and for each polling station at which that person will act.

Section 72 of the Municipal Elections Act authorizes a candidate to act as his or her own agent. The candidate, his or her official agent and one other agent appointed in Form 15 may be present at the polling station at the same time during polling hours [s.69(1)].

The Act does not provide for any qualifications to be an agent, except having the necessary appointment and taking the prescribed oath.

Some candidates may appoint persons to act as "inside agents" and others to act as "outside agents". The Act does not distinguish between the two so both types of agents will be appointed by Form 15. Where a candidate has more than one agent appointed by Form 15 for a polling station, only one of those persons may be present in the polling station during polling hours but at the close of the polls both may attend to scrutinize the counting of ballots. Section 97 of the Municipal Elections Act does not limit the number of agents who may be present at the close of the poll.

ADVANCE POLL

Advance Polling Days

(1) Questions have arisen as to the interpretation of Section 2(1)(a) of the Municipal Elections Act, following amendments made to the Section at the 1990 Session of the House of Assembly. The wording of this amendment is ambiguous with respect to the number of advance poll days required.

The Legislature did not amend Section 114 of the Act, which clearly requires two advance poll days. In order for the two Sections to be read together, the following interpretation can be made:

(a) The Tuesday before ordinary polling day is a mandatory advance poll day (Section 114(4)(a)).

(b) The second advance poll day is named by the Council by resolution (Section 114(4)(b)). The definition of "advance polling day" in the Act probably never coincided with the intent of Section 114(4)(b) in that the definition provided that the second advance poll day was to be the Saturday before ordinary polling day, instead of a day of Council's choosing, as is provided in Section 114(4)(b). This was never raised with the Department of Municipal Affairs as a problem, probably because most municipalities chose this date for the second advance poll day in any event.

Since this definition has been amended subsequent to the enactment of Section 114(4)(b), Council should set the second advance polling day as the Saturday preceding ordinary polling day, or as an alternative, the second Thursday before ordinary polling day. The choice referred to in Section 114(4)(b) is limited to those two days.

An argument could also be made that the amendment to the definition authorized a third advance polling day. It may be that some Councils will wish to utilize this extra voting opportunity.

Advance Poll - Elector Not on List of Electors

Subsection 123(1) of the Municipal Elections Act permits a person who is not on the final list of electors to be sworn in at the advance poll. The elector must swear the oath in Form 31, the same form used for this purpose on ordinary polling day. Some returning officers have expressed concern that the oath requires the elector to swear that he has been ordinarily resident in a certain place "for a period of six months immediately preceding ordinary polling day" and this oath must be taken several days before ordinary polling day. This is not a problem as long as the date when the oath is taken (date of the advance poll) is completed at the bottom of the form by the deputy returning officer.

Advance Poll - No Proxy Voting

No person is permitted to vote by proxy at an advance poll.

Advance Poll - Fewer than Twenty-Five Persons Voting

Where fewer than twenty-five persons vote for any of the offices at the advance polling station, the procedure in Section 119 of the Municipal Elections Act should be followed. For example, if 27 persons vote for the councillor and only 24 of them vote for the school board member, Section 119 applies. Section 119 provides that the deputy returning officer open the advance poll ballot box and sort the ballots during polling hours on ordinary polling day.

Clause 119(1)(b) states that the ballots in the advance poll box should be separated into groups "for councillors or school board members for each polling district". This requirement simply means that all ballots which are marked for one group of candidates should be placed together and treated in the same way. It is not necessary, and should not be possible at this time, to divide the school board ballots according to the polling districts in which electors reside.

The back of a ballot for school board candidates should describe the school board constituency in which those candidates will be elected so that all ballots for that group of candidates can be identified as such. However, it is not necessary to have separate school board ballots for electors in one polling district or ward and other ballots for electors from another polling district or ward. The reason for having this information on the back of the ballot is to permit ballots to be separated without looking at the front of the ballot where the candidates' names appear.

Advance Poll - Opening Advance Poll Ballot Box

Subsection 116(9) prohibits opening an advance poll ballot box until the polls close on ordinary polling day. Section 119 is an exception to this rule because, where fewer than twenty-five persons vote for ANY OFFICE at an advance polling station, it is necessary to open the ballot box during poll hours on ordinary polling day and separate the ballots into groups so that they can be delivered and counted in accordance with that Section. When determining the time and place for the advance poll box to be opened, the returning officer should allow enough time for the ballots to be delivered to the appropriate polling stations before the polls close, and preferably in time to avoid the usual last minute rush before polls close.

ORDINARY POLLING DAY

Polling Day Activities

The most common questions for returning officers respecting activities on ordinary polling day are likely to be the following:

Are signs, badges or other advertising permitted near a polling station?

Are employees entitled to time-off with pay for voting?

Is a candidate permitted to advertise on the radio or in the newspaper on ordinary polling day?

Will liquor outlets be open for business?

Section 155 of the Municipal Elections Act prohibits the posting or displaying of any promotional material in, or within 200 feet of, a polling place or the building in which a polling place is situated. The Section also prohibits a person wearing a ribbon or badge disclosing the person as a supporter of a candidate anywhere during the hours of polling on ordinary polling day.

The Municipal Elections Act makes no reference whatsoever to the entitlement of an employee to time off for voting. Therefore, this is left to the term of any collective agreement or contract of employment arranged between the employer and the employee. With two days for advance poll and ordinary polling day on Saturday, most people will have sufficient time off during polling hours to vote. In some cases, a person employed on a twelve hour shift may be scheduled to work during all the polling hours on both the advance poll day and ordinary polling day. In that case, it is hoped that employers will make some suitable arrangements for the employees to vote but there is not a requirement for them to do so in the Municipal Elections Act.

The Municipal Elections Act does not restrict advertising on ordinary polling day in any way. However, the federal Broadcasting Act prohibits a program, advertisement or announcement of a partisan character in relation to a municipal election on the day of the election or on the day immediately preceding the day of the election. The Broadcasting Act is administered by the Canadian Radio-Television and Telecommunications Commission and questions respecting the Broadcasting Act should be referred to that Commission. There is no similar restriction on newspaper advertising on ordinary polling day so that a candidate may publish an advertisement of a partisan character, including the so called "transportation advertisement" that sometimes appears in newspapers.

The sale of liquor on ordinary polling day is controlled by the Liquor Control Act and regulations made under the Liquor Control Act. Existing regulations permit liquor stores and licensed premises to be open for business as usual during municipal elections.

AFTER THE ELECTION

Recount

In the case of a tie after the official addition of votes, the returning officer applies for a judicial recount. This is automatic and does not require an application by either of the candidates. [130]

At any time within ten days after ordinary polling day, the municipal clerk if authorized by the Council, any candidate or any elector may apply to a Judge of the County Court, or the Provincial Court for a recount. The first decision the Judge must make is what time and place to appoint for the recount.

Subject to other directions given by the Court, it is suggested that a person applying for a recount should make an application for a hearing before the Court to determine the time and place to be appointed for the recount. At this hearing all interested parties may make submissions regarding the most convenient time and place. This procedure may be especially important if one of the parties wishes a recount to be completed before the first Council meeting because that person wants to participate in the selection of the warden which takes place at that first meeting.

After hearing persons who appear at the first application to fix the date, the Judge will make an order determining the time and place for the recount and giving directions regarding the service of notice of that time and place. It is suggested that the applicant should have a blank order available for completion by the Judge when the time and place is determined and copies of that order can be given immediately to the other persons present. Subject to directions which may be given by the Court, that should be sufficient written notice of the recount for those persons.

Suggested forms of the application and the order fixing the time and place of the recount appear in Appendix "H". These forms have not been approved by a Court, and a Judge hearing an application may wish to have the matter proceed in an entirely different manner. The Judge's instructions in that regard must be followed.

It may be noted that the person applying for a recount must deposit $200.00 with the clerk of the court before the application proceeds. This $200.00 is available as security for costs. The Judge has the discretion to make an order regarding the disposition of that money at the end of the recount and may make a further order respecting the payment of costs by any party.

Application to Set Aside Election

Where an elector, including a candidate, believes that an irregularity has occurred during the election which was of such importance that it might have changed the result of the election, the elector is entitled to make an application to a County Court Judge to have the election set aside. [s.158] The application must be commenced within twenty-one days after ordinary polling day. When the application is filed with the Clerk of the County Court, the sum of $500.00 must be deposited as security for costs. At the conclusion of the application, the Judge may make whatever order he or she sees fit respecting costs, including the disposition of the money that is deposited as security for costs.

This application will lead to a trial in the same manner as any other law suit. Therefore, in almost all cases it will be necessary to arrange for a lawyer to prepare the documents for filing and to conduct the trial.

The duty of the judge hearing an application of this type is to determine, first, whether there was an irregularity and, second, whether that irregularity was of sufficient significance to have affected the result of the election. An election is set aside only where there is an irregularity of that importance.

If an application to set aside an election is based on an allegation that an action taken or decision made at the recount was not in accordance with the Municipal Elections Act, subsection 158(6) of that Act permits a court to extend the time for commencing the application.

Refund of Nomination Deposit

In a municipality where the nomination paper must be accompanied by a deposit of two hundred dollars or a smaller amount determined by the Council, the clerk is required to refund

(a) the entire deposit to a candidate who was elected or who polled at least half of the number of votes polled by the successful candidate; or

(b) half of the deposit to a candidate who polled less than half of the number of votes polled by the successful candidate,

where the candidate files an affidavit in Form 12 within seven days after ordinary polling day. The affidavit generally states that all advertising and election materials have been removed. If the affidavit is not filed with the returning officer within seven days after ordinary polling day, the deposit is forfeited whether or not the election advertising or material has been removed or is removed later.

It is an offence for a candidate to fail to remove all advertising material from public places within seven days after a notice is served upon the candidate by the clerk. The notice cannot be issued until after polling day.

Where there is more than one successful candidate, the calculation made to determine half of the votes of the successful candidate is based on the successful candidate having the smallest number of votes. For example, if candidate A and B were elected after candidate A received 100 votes, candidate B received 50 votes and candidate C received 35 votes, candidate C would be entitled to the refund of his deposit because he would have received at least half of the number of votes received by candidate B.

Subsection 51(5) provides for the immediate return of the deposit of a candidate who was elected by acclamation, once that candidate has filed an affidavit in Form 12. Form 12 refers to the removal of material and in some cases a candidate elected by acclamation may never have posted or displayed any advertising. In that case, the affidavit in Form 12 is still satisfactory or it can be varied to state that no advertising or election materials were posted or displayed.

Oath of Office for Councillor

Section 147 of the Municipal Elections Act provides that a councillor must be sworn into office by taking the Oath of Allegiance and of Office in Form 39. The oath is administered by a judge, a justice of the peace, the mayor or warden, or the municipal clerk. The word "judge" is defined in clause 2(1)(o) for the purpose of recount applications or applications to set an election aside. It is not defined for the purpose of the Section relating to the oath and therefore the word "judge" in that context has its ordinary meaning and includes a judge of the Supreme Court. It should be noted, however, that the Lieutenant Governor is not one of those persons authorized to administer the oath to new councillors.

Special Election

Section 13 of the Municipal Elections Act sets out the procedures for a special election. Subsection 13(b) says a special election must be conducted as nearly as may be possible in accordance with the provisions governing a regular election. However, there are differences. A suggested calendar for a special election is produced in Appendix "F".

The nomination days for mayor and councillor are different in a special election. The nominations for mayor close on a Wednesday and nominations for councillor close the following Monday. A councillor who wishes to run for mayor vacates office when the nomination is filed [s.18(7)]. This permits the councillor's vacancy to be filled at the same special election [s.13(5)]. However, there is little time between the two nomination days and therefore a returning officer should mention the circumstances in which a vacancy for councillor can occur when he or she advertises the date of the special election and the fact that nominations are open for mayor.

APPENDICES

APPENDIX "A"

A GUIDE TO ENUMERATORS FOR MUNICIPAL ELECTIONS IN NOVA SCOTIA

Introduction

As enumerators, you have the important responsibility to prepare preliminary lists of electors qualified to vote on polling day.

Accuracy, thoroughness, and neatness are basic to your work. Errors cause needless delays and problems for revisers and other election officials. As well, members of the public may be irritated if they have to go to revisers to correct mistakes.

The real task facing you is to ensure that the preliminary lists you prepare are as accurate as possible so that everyone entitled to vote is able to do so. This can be done without much difficulty if you follow the required procedures.

All of the basic enumeration procedures are laid down in the Municipal Elections Act which governs all municipal and school board elections throughout the province. The Act must be followed for accurate reference if there is any inconsistency between it and this guide.

Enumerator's Supplies

The returning officer will furnish you with the necessary supplies. It is suggested that the supply kit includes at least the following:

(1) a copy of this guide or other suitable written instructions
(2) your appointment in Form 5
(3) a description of the boundaries of the polling division for which you are to prepare the list of voters
(4) stationery
(5) sufficient index sheets (Form 6)
(6) sufficient call back cards
(7) an identification badge
(8) the form for certifying completion of enumeration (Form 7)

Enumeration Area or Polling Division [s.9]

A polling district or ward is usually divided into polling divisions, each of which has approximately 700 electors.

APPENDIX "A"

A separate list of electors is prepared for each polling division.

Your supply kit should include a description or map of the boundaries of the polling division to which you have been assigned.

Public Relations

Your work will be that much easier if you are personable and courteous. Be sure to observe at least the following points:

(1) Wear your identification badge, if one is supplied.
(2) Greet people cheerfully.
(3) Introduce yourself.
(4) Explain that you are preparing the list of electors for the coming municipal and school board elections.
(5) Briefly outline the qualifications to vote in the municipal election, i.e.; age, citizenship, residency requirements.
(6) Obtain the names of eligible voters from an adult person, being careful to include all qualified members of the family as well as any roomers and boarders.

House-to-House Visits and Call Back Cards [s.24]

(1) Enumerators are required to visit each dwelling place at least twice unless they are satisfied that every qualified elector residing there has been registered.

(2) If there is no one at home on your visits, leave a call back card prescribed by the returning officer. A suggested version of the card is shown below.

NOTICE OF ENUMERATION

Enumerators for your polling division received no answer when they visited to obtain the name and address of each person qualified to vote at the general municipal election for mayor, councillors, and school board members for the municipality of _____ to be held on the _____ day of _____ 19___.

Please contact the returning officer (Registrar of Voters):

John Doe
266 Water Street
Digby, Nova Scotia
247-4444

(3) If, on your second visit, you still find no one at home, you may get the information from another source such as a reliable neighbour.

(4) Make sure that you have not missed any dwelling place in your polling division and that you have not enumerated outside the division.

Preparing Index Sheets (Form 6)

(1) When making house-to-house visits, you may use the index sheets or any prescribed record book to record the given name and surname (family name) and address (including the postal code) of each eligible voter.

(2) After you have made all the necessary visits and have obtained the required particulars, group the names of voters in alphabetical order according to their surnames so that all the A's, B's, C's and so on are in separate groups.

(3) It is a useful practice to place the names of husband, wife, and children of same family name one after the other on the list.

(4) No prefix such as Mr., Miss or Mrs. is to be used.

(5) Once names are sorted and grouped, they are ready for entry on the index sheets, in print or type, using capital letters.

(6) Complete the top section of the index sheets to show the polling division number and any other details prescribed by the returning officer.

(7) List all electors with surnames beginning with the letter "A". Skip two or three lines before listing those starting with the letter "B". Continue in this manner until all voters are listed. The lines left between each group permit the addition of names if you discover an error or receive last minute information.

(8) Number each name consecutively, from the first name on page one to the last name on the last index sheet. This gives each voter a separate number and shows the total number of voters registered on the preliminary list in the polling station.

(9) Check to see that you have not left out or duplicated any names. Make separate counts of the names you started with and of the names grouped as in step 2. The respective totals should agree with the last figure in the consecutive number column, which is the total number of enumerated voters in the polling division appearing on the preliminary list.

(10) An illustration of a partly completed index sheet is shown on the next page.

Return of Materials [s. 27]

The enumeration process must be completed before June 10 in a regular election year.

On completing your work, sign Form 7 and return it along with all used and unused index sheets to the returning officer or registrar of voters. Other items to be returned will be indicated by the appropriate official.

APPENDIX "A"

FORM 6

SECTION 25

INDEX SHEET

Polling Division Number 15

Consecutive Numbers	Name (Surname First)	Address	Postal Code
1	ABBOTT, John	3550 Lahey Rd., Dart.	B2Y 2K7
2	ABBOTT, Mary	3550 Lahey Rd., Dart.	B2Y 2K7
3	ABRAHAM, Susan	1544 Pleasant St., Dart.	B2Y 3E5
4	ANDERSON, Eric	1051 Portland St., Dart.	B2Y 2E4
5	BARTON, Grace	1880 Victoria Rd., Dart.	B2Y 3P2
6	BEATTIE, Tim	652 Oak St., Dart.	B2Y 2J6
7	BURKE, Wilfred	2950 Windmill Rd., Dart.	B2Y 2V9

APPENDIX "A"

IMPORTANT PROVISIONS OF THE MUNICIPAL ELECTIONS ACT

Appointment

The returning officer shall appoint a sufficient number of enumerators to complete an enumeration of the electors residing in each polling district or polling division within a polling district. [s.23(1)]

Description of Polling Division

The returning officer or registrar of voters shall provide the enumerators with a detailed and accurate description of the polling division for which the enumerators have been appointed. [s.23(2)]

Oath of Office

An enumerator shall take the oath in Form 5 in the Schedule before entering upon the duties of his or her office.

Dismissal

A returning officer may for cause dismiss and replace an enumerator, and may appoint an enumerator in the place of one who resigns, dies or becomes incapacitated or may direct a substitute enumerator to act.

Upon request in writing signed by the returning officer, an enumerator so replaced shall forthwith give up the enumerators' index sheets and other papers which he or she has received as an enumerator to the person designated by the returning officer.

When to Commence Enumeration

The enumerators shall, on or before the last day of May in a regular election year, proceed to ascertain the full name and address of every person qualified to vote in the election in each polling division for which they have been appointed. [s.24(1)]

Dwelling Places to Include

The enumerators shall visit each dwelling place, including nursing homes, senior citizens' homes, rooming houses, and homes for the aged, in the polling divisions for which they have been appointed for the purpose of obtaining the names and addresses of all qualified electors.

APPENDIX "A"

Additional Visits

The enumerators shall visit, at least a second time, each dwelling place in their divisions from which they were unable to obtain the names of all qualified electors the first time.

If the enumerators are unable to obtain the names and addresses by the visits, then they may obtain them from any other reliable sources of information available to them.

Use of Call Back Cards

Where, on a visit to a dwelling place, the enumerators are unable to communicate with any person from whom they could secure the names and particulars of the qualified electors residing at the dwelling place, the enumerators shall leave at the dwelling place a notification card, as prescribed by the returning officer, on which shall be stated

(a) the purpose of the enumeration;

(b) the name, telephone number and office address of the returning officer or, if one has been appointed, the registrar of voters for the municipality.

Registration on Index Sheets

The enumerators shall register on index sheets in Form 6 or in such other manner as may be prescribed by the returning officer,

(a) the name of each elector under the given names and surname by which the elector is known in the polling division; and

(b) the address of each elector.

There shall be separate index sheets kept for each polling division within a polling district.

Accurate Entries

The enumerators shall take all necessary precautions and care to ensure that their index sheets, when completed,

(a) contain the correct name and address of every qualified elector in the polling division;

(b) do not contain the name of a person who is not qualified; and

(c) do not duplicate any names [s.26].

Transmission of Completed List

Not later than June 10 the enumerators shall:

(a) complete the certificate in Form 7 on the last page of the index sheets; and

(b) deliver to the returning officer or registrar of voters the index sheets completed as prescribed.

Offence

Every one who impedes or obstructs an enumerator in the performance of duties under this Act is guilty of an offence against this Act. [s.28]

Loss of Pay for Omissions

If the enumerators have left off a substantial number of persons from the preliminary list of electors, the returning officer or registrar of voters

(a) may appoint additional enumerators to register the names omitted from the list and add the same; and

(b) may deduct the cost of such additional enumerators from the fees otherwise payable to the enumerators who omitted the names. [s.29]

Who is a Qualified Elector?

The Municipal Elections Act states:

14 Subject of the other provisions of this Act, every person who

(a) is of the full age of eighteen years on ordinary polling day;

(b) is a Canadian citizen or British subject; and

(c) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months immediately preceding ordinary polling day and continues to so reside,

is entitled to be registered on the list of electors and to vote.

APPENDIX "A"

15 The following persons shall not be entitled to be registered on the list of electors or to vote:

(a) the returning officer

(b) a Judge of the Supreme Court, County Court or Provincial Court;

(c) a person serving a sentence in a penal or reform institution;

(d) a person who is legally restrained of his liberty of movement or deprived of the management of his property by reason of mental illness; or

(e) a person who has been convicted of bribery under this Act in the six years preceding ordinary polling day.

Ordinary Residence

Generally speaking, the place where a person is ordinarily resident is dependent on their status, and is defined as follows:

Married Person

(a) if the person is a married person

(i) at the place where his family lives and sleeps and to which, when away, he intends to return; or

(ii) if he is living apart from his family with the intent to remain so apart from it, then at the place where he usually lives and sleeps and to which, when away, he intends to return, without regard to where he takes his meals or is employed; and

Unmarried Person

(b) if the person is not married, at the place where he usually lives and sleeps, and to which, when away, he intends to return, without regard to where he takes his meals or is employed or where his family lives and sleeps. [s.16]

Unmarried Student

Where a person is an unmarried student having a family home in the province, he is ordinarily resident where that home is.

APPENDIX "A"

British Subjects

Citizens of the countries listed below or their dependent territories have the status of British Subjects, and are entitled to vote if they meet the other qualifications in section 14.

Antigua and Barbuda
Australia
Bahamas
Bangladesh
Barbados
Belize
Botswana
Brunei
Canada
Cyprus
Dominica
Gambia, The
Ghana
Grenada
Guyana
India
Jamaica
Kenya
Kiribati
Lesotho
Malawi
Malaysia
Maldives
Malta
Mauritius
Naura
New Zealand
Nigeria
Papua, New Guinea
Saint Christopher and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Scotland
Seychelles
Sierra Leone
Singapore
Solomon Islands
Sri Lanka
Swaziland
Tanzania
Tonga
Trinidad and Tobago
Tuvalu
Uganda
United Kingdom
Vanuatu
Western Samoa
Zambia
Zimbabwe

Mentally Ill

Some persons who may be regarded as having a mental illness are entitled to vote. The Municipal Elections Act excludes only a person who is legally restrained of his or her liberty of movement or deprived of the management of his or her property by reason of mental illness.

Generally speaking a formal or involuntary patient in a psychiatric facility is "restrained of his or her liberty". However, there are many patients in psychiatric facilities whose liberties are not restricted. In the first case they may not vote and in the second case they may.

Persons who are mentally ill may be deprived of the management of their property if their affairs are managed by a court appointed guardian. However, some persons may voluntarily provide for the management of their property by giving another their power of attorney. In the first case they may not vote and in the second they may.

If you have a psychiatric facility in your polling division, consult the Administrator or other person in charge to determine:

(a) whether any patients are receiving such long term treatment as to be regarded as "resident" in the facility; and

(b) whether any of these long term patients should be excluded from the list of electors.

Enumerators should be guided by the advice of the person in charge of the facility, although the enumerators make the final decision whether or not to include a person on the list of qualified electors.

If you have a doubt, resolve that doubt by including the name on the list. If you have any questions, consult the returning officer.

Revising Lists of Electors

A preliminary list of electors for each polling division should be printed by July 31 in a regular election year [s.21], and the preliminary list should be posted on or before that day in the municipal office and in at least one conspicuous place in the polling district for which the polling division list was prepared. For example, all lists of the polling divisions in polling district 45 should be posted in the municipal office for the municipality and in some conspicuous place in polling district 45. Public buildings are appropriate places for such posting. [s.32]

The returning officer appoints a revising officer for each polling district in a municipality to conduct the revision of the preliminary list of electors. [s.32] One revising officer may do more than one polling district. Either the returning officer or the registrar of voters may act as the revising officer where another person has not been appointed as a revising officer. [s.33]

On at least one day after the posting of the preliminary list of electors and before August 10 for a regular election, the revising officer sits to receive applications for amendments to the list between 12:00 noon and 8:00 in the evening. After the preliminary lists have been posted, the returning officer or the registrar of voters gives notice, by at least two insertions in a newspaper circulating in the municipality, that the preliminary lists of electors have been prepared and that notice describes where the lists may be inspected and when and where the revising officer will be sitting to receive applications for amendments to the lists.

The text for a suggested form of advertisement appears in Appendix "C".

Three forms are included for use in the revision process.

Final Lists of Electors

The final lists of electors must be completed before August 31. [s.40]

Preliminary lists are posted to give public notice of the names on the lists so changes can be made at the revision. It is not necessary to post the final lists because no further changes will be made.

The facing sheet of each final list of electors should contain a certificate completed and signed by the returning officer or registrar of voters. [s.40] The certificate should state:

The list of electors contained on the following _____ sheets of paper is correct and final.

_____
Returning Officer

The certificate may be typed, printed or stamped by rubber stamp.

APPENDIX "B"

INSTRUCTIONS TO DEPUTY RETURNING OFFICERS, POLL CLERKS, AND CANDIDATES' AGENTS AT MUNICIPAL ELECTIONS

Introduction

As deputy returning officer, poll clerk, or candidate's agent, you have been vested with considerable public trust in your appointment. In turn, you must act strictly in conformity with the required procedures to ensure a proper conduct of the election.

The basic election procedures are spelled out in the Municipal Elections Act which now regulates all matters concerning municipal and school board elections. The Act must be followed for accurate reference if there is any conflict between it and these instructions.

Appointment [ss. 58-59, 70-72]

APPOINTMENT OF POLL OFFICIALS

(1) Not later than the eighth day before ordinary polling day, the returning officer appoints, for each polling station, a deputy returning officer (DRO) and a poll clerk who must complete the oath of office in Form 2.

(2) The returning officer may

DISMISSAL

(a) dismiss and replace a DRO or poll clerk for cause; and

(b) require a substitute DRO or poll clerk to act in the place of one who resigns, dies, or becomes incapacitated.

POLL CLERK MAY ACT

(3) When a DRO dies, becomes incapacitated or fails to act and another person has not been appointed in his or her stead, the poll clerk must act as the DRO and appoint a poll clerk.

APPOINTMENT OF AGENT

(4) A candidate's agent is appointed by the candidate or the candidate's official agent in Form 15 which must be presented to the DRO when the agent first comes to the poll. The agent then takes the oath in the poll book in Form 16.

APPOINTMENT OF OFFICIAL AGENT

(5) A candidate's official agent or agent at large is appointed by the candidate in Form 17 and completes the oath of secrecy in Form 17. The appointment must be shown to the DRO when the official agent first comes to the poll.

Election Supplies to Deputy Returning Officer [s.68]

(1) Not later than 10:00 pm on the day before polling day, the returning officer must furnish each DRO with a sealed ballot box and, where necessary, additional ballot boxes. The sealed ballot box must contain:

BALLOT PAPERS

(a) ballot papers for each office for which an election is to be held and each question to be voted on for at least ten per cent more than the number of electors on the final list of electors of the polling station;

STATEMENT OF BALLOTS

(b) a statement showing the number of ballot papers supplied with their serial numbers;

STATIONERY

(c) pencil or pens to permit the electors to mark their ballot papers;

FORM 23

(d) at least two copies of the directions to electors in Form 23;

INSTRUCTIONS

(e) a copy of the Act and of the instructions prescribed by the returning officer;

LIST

(f) a copy of the final list of electors for use at the polling station;

POLL BOOK

(g) a poll book;

SEALS

(h) a seal to seal each ballot box at the opening of the poll, a seal to seal each ballot box after the ballots are counted, and one additional seal for each ballot box, and

OTHER

(i) other materials and supplies authorized or furnished by the returning officer.

WHEN TO PROVIDE ADDITIONAL BALLOT BOXES

(2) Additional ballot boxes are to be provided where the estimated number of ballots to be cast will more than fill one box. The statute does not provide for a separate ballot box for each matter for which a poll is granted or allow the use of more than one ballot box at a time at any polling station. For the use of the extra ballot box, see Section 95 of the Municipal Elections Act.

PROXY PAPER

(3) Under Section 77, the returning officer is to transmit a completed copy of each proxy paper to the DRO of the polling station where the name of the elector appears on the list of electors.

FORMAT OF POLL BOOK

(4) The format of the poll book is specified in Form 14.

UNLAWFUL ACCESS TO MATERIAL

(5) The DRO is responsible for the election materials and supplies received from the returning officer, and must prevent any person from having unlawful access to them.

USE OF SEAL

(6) The use of each seal provided must be recorded on the inside front cover of the poll book, and the extra seal must, if unused, be sealed in the ballot box after the ballots have been counted.

REMOVAL OF BALLOT BOXES

(7) Subject to Section 88, a ballot box must not be removed from the polling station during polling hours and until the votes have been counted. (Section 88 refers to polls established in hospitals, homes for the aged, etc., and it allows the DRO and poll clerk to carry the ballot box from room to room and take the votes of bedridden patients.)

Duties of Deputy Returning Officer and Poll Clerk before Polls Open [s. 81]

(1) Polls are open from 8:00 am to 7:00 pm [s.57].

(2) Be early at your poll. You are required to attend at least 15 minutes before the poll opens.

(3) Inspect the area of the polling station to determine that no campaign literature, emblems, ribbons, flags, banners, cards, bills, posters, or devices are posted or displayed within 200 feet of the poll. [s.155]

(4) Set up the voting compartment so that no person will be able to see how ballot papers are marked and ensure that pens or pencils are provided.

DRO DUTIES

(5) The DRO must

(a) post up copies of the directions to electors in Form 23 in a visible place outside the polling station and inside the voting compartment;

(b) count the ballot papers in the presence of the poll clerk and any candidate or agents at the polling station;

(c) open the ballot box, ascertain that it is empty, seal it, and place it on a table in full view of all present, where it must remain sealed until the close of the poll;

(d) affix uniformly his or her initials, either entirely with ink of one colour or entirely with black lead pencil, in the space provided for that purpose on the back of each of the ballot papers without taking them from the bound or stitched books;

(e) ensure that there is a Bible for taking oaths;

(f) open the poll at 8:00 am sharp.

Procedure on Admitting Voters [ss. 82-84]

HOW AN ELECTOR MAY VOTE

(1) (a) An elector may vote once for mayor (in the case of a city or town), once for each councillor or alderman to be elected, once for each school board member to be elected and once on each other matter for which a poll has been granted.

(b) Unless he or she has been issued a transfer certificate, an elector may only vote at the polling station for the polling division in which he or she resides on ordinary polling day.

(c) An elector may not vote at more than one polling station in a municipality on ordinary polling day.

ADMISSION OF AN ELECTOR

(2) At the hour fixed for opening a polling station and during polling hours the DRO must

(a) admit into the polling station each elector who has not already voted at the station and see that he or she is not impeded;

(b) have the elector who is before him or her declare his or her name and address;

(c) if the elector is qualified to vote, have the poll clerk enter the name and address of the elector in the poll book;

(d) draw a line through the name of the elector on the official list of electors;

(e) detach the ballot papers from the bound or stitched stubs;

(f) fold each ballot paper so that, when folded, the DRO's initials can be seen without unfolding it;

(g) direct the elector to return the ballot papers, when marked, folded down as shown with the counterfoil attached; and

(h) deliver the ballot papers to the elector.

APPENDIX "B"

OATH OF QUALIFICATIONS

(3) If required by the DRO, poll clerk, candidate or agent present at the polling station, an elector must, before receiving the ballot papers, take an oath of qualifications in Form 24 before the DRO, and a check mark must be placed under the words "sworn or affirmed" opposite the name of the elector in the poll book.

REFUSAL TO TAKE OATH

(4) If the elector refuses to take the oath, he or she is not permitted to vote and erasing lines are drawn through his or her name on the official list of electors in the poll book and a check mark is placed under the words "refused to swear or affirm".

(5) An elector who refuses to take the oath in Form 24 must not receive a ballot paper, or be permitted to vote, or be again admitted to the poling station.

(6) Any DRO who receives the vote of an elector who refuses to take the oath in Form 24 is guilty of an offence.

DRO MAY EXPLAIN

(7) The DRO may explain the proper method of voting to an elector, and must do so if the elector requests.

Voting Procedure [s.85]

(1) An elector must, on receiving ballot papers,

(a) enter the voting compartment and there mark each ballot paper by placing an "X", a cross or check mark, or a facsimile thereof, with a pencil or pen within the small circular space on the ballot in which the colour of the paper appears at the right of and opposite the name of the candidate (or candidates if more than one are to be elected) for whom he or she intends to vote;

(b) refold the ballot paper in the same manner as he or she received it so that the initials and the printed serial number on the counterfoil can be seen without unfolding it; and

(c) return and hand the ballot papers so folded to the DRO.

(2) The DRO must, for each ballot paper delivered to the voter, without unfolding it, ascertain by examination of the initials and the serial number that it is the same ballot paper as that delivered to the voter, and if it is the DRO must, in full view of the voter and all others entitled to be present in the polling place, remove the counterfoil and destroy it, and deposit the ballot paper in the ballot box, whereupon the voter must leave the polling place.

(3) The DRO must not inquire to see how the elector intends to vote.

Disabled Elector [s.86]

(1) Where an elector is unable to vote as prescribed because he or she is blind, unable to read, or incapacitated by physical cause, the elector may vote by a friend and the DRO must:

(a) require the elector to take the oath in Form 25 that he or she is incapable of voting without assistance;

(b) require the friend of the elector to take an oath in Form 26 that he or she will mark the ballot as requested by the elector and will keep secret the choice of the elector; and

(c) permit the friend of the elector to accompany the elector into the voting compartment and mark the elector's ballot.

(2) Where the elector requests assistance, the DRO may act as the friend of the elector but without taking the oath in Form 26.

(3) Where an elector has his or her ballot marked by a friend, the poll clerk must enter in the poll book opposite the elector's name:

(a) the reason why the ballot was so marked;

(b) the name of the person who marked the ballot; and

(c) the fact that the oaths were taken.

(4) Except in authorized cases, no person is permitted to enter the voting compartment while an elector is marking his ballot.

APPENDIX "B"

Use of an Interpreter [s.87]

Where a DRO does not understand the language spoken by an elector and is satisfied that the elector does not understand the procedure that he or she must follow to cast his or her vote, the DRO shall, if possible, obtain an interpreter who, after taking the oath in Form 27 in the poll book, shall be the means of communication between the DRO and the elector with reference to all matters required to enable the elector to vote.

Polling Station in an Institution [s.88]

(1) Where a polling station has been established in a hospital, a sanatorium, a home for the aged, a licensed nursing home, or an institution for the care and treatment of chronic diseases, the DRO and poll clerk, while the polling station is open, may:

(a) suspend temporarily the voting in the polling station;

(b) post a notice in the polling station setting out the time at which voting will be resumed; and

(c) accompanied by an officer of the institution, and not more than one agent of each candidate, if any, carry the ballot box, ballot papers, and other necessary election documents from room to room in the institution, and take the votes of the bedridden patients who are qualified to vote in the polling station.

(2) The ballot box must not be taken out of the institution during polling hours [s.66(5)]

Spoiled Ballot [s.89]

Where an elector has inadvertently dealt with a ballot paper so that it should not be used,

(1) the elector must return it to the DRO; and

(2) the DRO then

(a) without showing it to any other person, writes the word "cancelled" upon the back of it and places it in an envelope; and

(b) delivers another ballot paper to the elector.

APPENDIX "B"

Declined Ballot [s.90]

An elector who receives a ballot paper and declines to vote must return the ballot paper to the DRO, who without showing it to any person must mark "cancelled" on the back and place it in an envelope, and the elector is not given another ballot paper.

Removed Ballot [s.91]

(1) No person who receives a ballot paper from the DRO is to take the ballot paper out of the polling place.

(2) Any person who takes a ballot paper out of the polling place is guilty of an offence and forfeits his or her right to vote.

(3) If a ballot paper is taken out of the polling place or if an elector declines to vote, the DRO must make a note of the facts in the column of the poll book entitled "remarks" opposite the name of the elector.

Errors on List [s.92]

(1) Where an elector applies for a ballot paper in a name and address which corresponds so closely with a name and address on the official list of electors so as to make it appear probable to the DRO that the entry in the official list was intended to refer to him or her, the elector may receive a ballot paper and vote:

(a) if he or she takes an oath in Form 28 in the poll book; and

(b) if he or she takes the oath in Form 24 when required by the DRO, the poll clerk, a candidate or an agent.

(2) The poll clerk must enter in the poll book

(a) the correct name and address of the elector:

(b) the taking of the oath in Form 28; and

(c) if required, the taking of the oath in Form 24.

APPENDIX "B"

Personated Elector [s.93]

(1) An elector who applies for a ballot paper after another person has voted as such elector may receive a ballot paper and vote

(a) if he or she produces evidence of identification and residence satisfactory to the DRO in the presence of those candidates or agents of candidates in the polling station;

(b) if he or she takes the oath in Form 29 in the poll book; and

(c) if he or she takes the oath in Form 24 when required by the DRO, the poll clerk, a candidate or an agent.

(2) The poll clerk must enter in the poll book, opposite the name of the elector, that he or she

(a) voted on a second ballot paper issued under the same name;

(b) took the oath in Form 29; and

(c) if required, took the oath in Form 24.

Record of Poll [s.94]

The poll clerk must enter on the record of poll in Form 30 in the poll book

(1) the name and address and the number on the list of electors of each elector who applies to vote, with a consecutive number being prefixed to the elector's name in the appropriate column of the poll book;

(2) a check mark under the words "voted for mayor", "voted for councillor or alderman", "voted for school board" and "voted for other", whichever are appropriate, opposite the name of the voter as soon as the ballots are deposited in the ballot box;

(3) a check mark under the words "sworn or affirmed" and opposite the name of an elector to whom an oath is administered, with a note indicating the nature of the oath:

(4) a check mark under the words "refused to swear or affirm" and opposite the name of an elector who refuses to take an oath when he or she is legally required to do so;

(5) a check mark under the word "transfer" and the certificate number opposite the name of an elector who votes under a transfer certificate;

(6) a check mark under the word "added" and opposite the name of an elector who has been added to the list of electors pursuant to Section 98;

(7) a check mark under the words "By Proxy" and opposite the name of the elector who votes by proxy or a note in the "remarks" section that the elector voted by proxy; and

(8) any other entries which the DRO may direct or are required by the Act.

Use of Additional Ballot Box [s.95]

(1) Additional ballot boxes are required where the estimated number of ballots to be cast will more than fill one box.

(2) If it becomes necessary to use an additional ballot box, the DRO must seal the opening in the top of the ballot box then being used with a paper seal bearing the initials of the DRO, the poll clerk, and of those candidates and agents present who wish to place their initials. The sealed box is to remain in full view until the votes are counted.

(3) Before using the additional ballot box, the DRO must in full view of all present open the box, ascertain that it is empty, seal it, and leave it sealed until the close of the poll.

Voting After Hours [s.96]

At the hour for the closing of the polling station, a DRO shall

(a) cause the name of all electors, then in or actually present at and awaiting admission to the polling station, to be listed; and

(b) keep the polling station open a sufficient time to enable those electors to vote, but no elector, other than whose names are so listed, shall be permitted to vote after the closing hour.

Who May Vote [s.97]

Subject to Section 100, a person may vote at a polling station on ordinary polling day, if

(1) his or her name is on the final list of electors used at the polling station;

(2) his or her hame is not on the final list of electors used at the polling station, but he or she complies with Section 98;

(3) he or she delivers to the DRO of the polling station the original transfer certificate authorizing him or her to vote at that polling station;

(4) he or she delivers to the DRO of the polling station where his or her name is on the final list of electors the original transfer certificate.

Elector Not on List [s.98]

(1) A person whose name is omitted from the final list of electors may vote if he or she swears to and signs Form 31 in the poll book.

(2) The DRO must then place his or her name on the final list and in the poll book and permit him or her to vote.

(3) The poll clerk must record in the poll book any objection to the receipt of the ballot raised by any candidate or agent.

IDENTIFICATION REQUIRED

(4) Before administering the oath in Form 31, the DRO has authority to require the person to produce evidence of identification and residence satisfactory to the DRO [s.98(2)]. Generally, any identification containing the name and address of the elector is sufficient.

Proxy Vote [s.99]

(1) Where an elector has not previously voted, he or she may vote by proxy on ordinary polling day if his or her proxy voter

(a) appears before the DRO of the polling station where the name of the elector appears on the official list of electors;

(b) delivers to the DRO the proxy paper in Form 22, issued by the returning officer pursuant to Section 76; and

(c) swears to and signs the affidavit of proxy voter in Form 32 in the poll book, whereupon the DRO must issue a ballot paper to the proxy voter who is to vote in the name of the elector.

(2) The poll clerk must enter in the poll book opposite the name of the elector, a check mark under the words "By proxy", or a note in the "remarks" section that the elector voted by proxy.

APPENDIX "B"

Who May Not Vote [s.100]

A person may not vote at a polling station on ordinary polling day if

(1) he or she refuses to take the oath in Form 24 in the poll book when requested to do so;

(2) the DRO has received Form 36 from the returning officer certifying that the elector has voted at the advance poll;

(3) the DRO has received Form 19 or Form 20 from the returning officer certifying that the elector has received a transfer certificate entitling him or her to vote at another polling station (unless the elector delivers the original transfer certificate to the DRO); or

(4) he or she fails to comply with the voting requirements specified in Section 97.

Secrecy [s.101-104]

(1) Every person in attendance at a polling station, or at the counting of the votes, must maintain or assist in maintaining the secrecy of the voting, and must not at any time communicate any information obtained at such polling station or counting as to the candidate for whom an elector voted.

OFFENSES

(2) A person is guilty of an offence who, directly or indirectly,

(a) at or about a polling station, interferes or attempts to interfere with an elector when marking a ballot paper, or otherwise attempts to ascertain the name of the candidate for whom an elector is about to vote or has voted;

(b) communicates information about the manner in which a ballot paper has been marked in his or her presence in a polling station;

(c) induces or endeavours to induce a voter to show his or her ballot paper so as to make known the name of the candidate for or against whom he or she cast his or her vote; or

(d) communicates information obtained in a polling station as to the candidate for whom an elector at the polling station is about to vote or has voted.

(3) A person is guilty of an offence who, except for the purpose of permitting an elector to vote,

(a) openly declares in a polling station for whom he or she intends to vote or has voted; or

(b) shows his or her ballot paper to permit the name of the candidate, for whom he or she has voted, to be known.

(4) No person may in any proceedings be required to state for whom he or she has voted in an election held pursuant to the Act.

INSPECTION OF BALLOT

(5) (a) No person is allowed to inspect any used ballot papers in the custody of the clerk or an election officer except under order of a judge, which may be granted upon satisfactory evidence on oath that the inspection or production of the ballot paper is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of taking proceedings under the Act to contest an election or return or to conduct a recount.

(b) The order must state the time and place for inspection of such papers and name the persons to be present at such inspection, and must be made subject to such conditions as the judge thinks expedient.

Peace and Good Order [s.105]

Every returning officer and DRO, during the hours a polling station is open or while the votes are being counted,

(a) has all the rights, privileges and immunities of a constable;

(b) may order a constable or any person present to aid him or her in maintaining peace and good order at an election;

(c) may arrest, or cause to be arrested by verbal order to a constable or peace officer, any person disturbing the peace and good order at the election and may cause such person to be imprisoned in a jail or lockup or a convenient place in the polling district until any time not later than one hour after the time fixed for the closing of the poll; and

(d) may order from the polling place an intoxicated person who disturbs the peace and good order at the election or who obstructs the voting, and such a person must not again be permitted to enter the polling place.

Counting and Reporting the Votes [ss.106-113]

Section 106 states the persons who can be present at the close of the poll: the DRO, poll clerk, candidates, agents and electors representing candidates.

No others should be present or be allowed to enter the room once the poll has closed. However, allowance should be made for the entry of a candidate, an official agent or a candidate's agent with an appointment for that particular polling station, if they are not present at the close of the poll.

(1) At the close of the poll, and in the presence of the poll clerk, candidates or agents who are present, the DRO must, in the order set forth below,

COUNT NUMBER OF VOTERS

(a) complete Form 30 in the poll book by

(i) counting the number of voters recorded thereon as having voted, and

(ii) writing after the last entry: "The number of electors who voted at this election in this polling station is (state the number)" and signing it;

COUNT CANCELLED BALLOT PAPERS

(b) open the envelope containing the cancelled ballot papers,

(i) count them,

(ii) mark the number on the front of the envelope, and

(iii) return them to the envelope and seal and initial it;

COUNT UNUSED BALLOT PAPERS

(c) count the unused ballot papers undetached from the books of ballot papers,

(i) mark the number on the front of the envelope, and

(ii) place them, together with the stubs of all used ballot papers, in the envelope and seal and initial it; and

(d) complete entries numbered 1, 2, and 3 on a statement of poll in Form 33 or Form 34 in the poll book, whichever is applicable, for each matter for which a poll has been granted.

COUNT THE VOTES

(2) (a) After completing the first three entries on each statement of poll the DRO must, in the present and in full view of the poll clerk, candidate and agents, open all ballot boxes used and proceed to separate the ballots according to the matter for which a poll was granted.

(b) The DRO must then proceed to count votes by

(i) giving a tally sheet in Form 35 in the poll book to the poll clerk and to those other persons present at the poll who so request;

(ii) after each person present is given full opportunity to examine a ballot, decide whether the ballot should be rejected or counted; and

(iii) if the ballot is to be counted, call out the vote and have it entered on the tally sheets.

(c) The ballots for the election of a mayor, if any, are to be counted first, followed by the ballots for councillor or alderman as the case may be, followed by the ballots for school board members, and followed by such other ballots as may be in use in the order prescribed by the returning officer, and no ballots are to be counted until the preceding ballots have been counted and the statement of poll has been completed in respect of them.

APPENDIX "B"

REJECTION OF BALLOTS

(3) In counting the votes, the DRO must reject all ballots

(a) that have not been supplied by him or her;

(b) that have not been marked for any candidate;

(c) on which votes have been given for more candidates than are to be elected;

(d) that have not been marked by an "X", a cross or a check mark, or facsimile thereof;

(e) that have not been marked within the circular space on the ballot paper at the right of the name of a candidate;

(f) that have been so marked to render it uncertain for which candidate or candidates the voter has voted; or

(g) upon which there is any writing or mark by which the voter can be identified, or that has been so torn, defaced or otherwise dealt with by the voter that he or she can thereby be identified,

but no ballot is to be rejected only by reason of any word, letter or mark written or made or omitted to be written or made on it by the DRO.

OBJECTIONS TO A BALLOT

(4) (a) If during the counting of the votes a candidate or agent objects to any ballot found in the ballot box, or to the rejection of any ballot by the DRO, the DRO must take a note of the objection and decide any question arising out of the objection.

(b) Every objection must be numbered and a corresponding number is placed on the back of the ballot and initialled by the DRO.

(c) Where a ballot is rejected and objection is made to the decision, the DRO must further endorse the ballot "rejection objected to" and initial the endorsement.

COUNTERFOIL ATTACHED OR BALLOT NOT INITIALLED

(5) When in the course of counting the ballots, a ballot is found with the counterfoil attached, or without the initials of the DRO affixed thereto, the DRO must in the presence of any person in the polling station,

(a) after carefully concealing the number on the counterfoil and without examining it himself or herself, remove and destroy the counterfoil; or

(b) where he or she is satisfied that the ballot is one that was supplied by him or her, affix his or her initials to the ballot, and count the vote on the ballot unless he or she determines that it should be rejected for another reason.

Proceedings After Counting of Votes [s.111]

COMPLETE STATEMENT OF POLL

(1) After counting the votes, the DRO must complete the statement of poll in Form 33 or Form 34 in the poll book (whichever is appropriate) for each matter for which a poll was granted in a sufficient number of copies for distribution as required, sign them, and have the poll clerk and any other persons present who wish to, sign them.

PLACE BALLOTS IN ENVELOPES

(2) The DRO must then, in the case of each matter for which a poll was granted,

(a) place the ballots for each candidate in separate envelopes where ballots are to be marked for one candidate or matter;

(b) place the ballots in one envelope where ballots are to be marked for more than one candidate or matter;

(c) place all rejected ballots in a separate envelope; and

SEAL AND SIGN ENVELOPES

(d) write on each envelope the contents and number of ballots enclosed and the serial number of the seal used to seal the ballot box and sign and seal the envelopes and instruct the poll clerk and any other persons present who wish to sign the envelopes across the flap in such a way that the envelopes cannot be opened without disturbing the signatures.

DOCUMENTS TO BE ENCLOSED IN BALLOT BOX

(3) The DRO must thereupon place all the envelopes containing the ballots that have been counted, the ballots that have been rejected, the unused ballot papers, the cancelled ballot papers, the declined ballot papers, the list of electors, the list of objections and any other documents used at the poll EXCEPT THE POLL BOOK in the ballot box and must seal the ballot box and seal the narrow opening on the top of the ballot box. (If possible all of this material should be enclosed in the original ballot box, otherwise the additional box may be used to alleviate ballot pressure in the original box.)

(4) The DRO must deliver a copy of the statement of poll to each candidate or agent who is present and requests it, and leave one copy in the poll book.

Delivery of Ballot Box and Poll Book [ss.112-113]

(1) After counting the votes and sealing the ballot box, the DRO must forthwith deliver the ballot box and the poll book to the returning officer.

(2) If, owing to illness or other cause, the DRO is unable to deliver the box and poll book to the returning officer, he or she must instruct the poll clerk to do so, and the poll clerk must deliver them to the returning officer.

(3) If the DRO or poll clerk inadvertently seals the poll book in the ballot box, the box may be opened in the presence of the returning officer, the poll book may be removed, and the box must be resealed forthwith.

Advance Poll [ss.114-123]

ADVANCE POLLING DAYS

Voting on each of the advance polling days takes place from 12:00 noon to 8:00 in the evening.

The same polling station and polling station material may be used for each of the advance poll days. Subsection 116(4) provides:

> Where voting is to take place at a polling station location on more than one advance poll day, the same ballot box, poll book and other materials may be used at the polling station, and the seal over the opening on the top of the ballot box may be opened on the second advance poll day so that ballots may be inserted during polling hours.

APPENDIX "B"

WHO MAY VOTE

(2) Every person applying to vote at an advance poll must, before being permitted to do so, sign in the presence of the DRO the declaration in Form 36, which must be kept by the DRO with the other records of the poll. Electors eligible to vote at the advance poll include:

(a) the physically disabled;

(b) persons scheduled for hospital admission on ordinary polling day;

(c) those objecting for religious or other reasons of conscience to voting on ordinary polling day;

(d) persons who must be at work during the whole of the time fixed for voting on ordinary polling day;

(e) deputy returning officers, poll clerks or election clerks;

(f) a duly appointed agent of a candidate;

(g) those who expect to be away from the municipality during the whole of the time fixed for voting on ordinary polling day.

PROCEDURE AT ADVANCE POLL

(3) (a) Except as otherwise provided by legislation, the advance poll must be conducted in the same manner as an ordinary poll.

MATERIALS DELIVERED

(b) The returning officer must, before the poll is opened, deliver to each DRO a correct copy of the list of electors for the polling district or districts to which he or she has been appointed to act and a poll book in which to record the names of the voters.

SEALING BALLOT BOX

(c) At the close of the poll the DRO must, in the presence of candidates or their agents, seal the opening in the top of the ballot box with a paper seal bearing the initials of the DRO, poll clerk, and those candidates and agents present who wish to affix their initials.

UNUSED BALLOTS

(d) The unused ballots and stubs must be placed in an envelope upon which the DRO has endorsed his or her signature and the serial number of the seal used for sealing the ballot box, and the poll clerk must, and any candidate or his or her agent may, affix their signatures across the flap of the envelope in such a way that the envelope cannot be opened without disturbing the signatures.

MATERIALS FASTENED TO BOX

(e) The poll book, the envelope containing the unused ballots and stubs and the envelope containing the cancelled ballot papers must be securely fastened to the ballot box.

DELIVERY OF BOX

(f) The DRO must, if required by the returning officer, deliver the ballot box or boxes used at the advance polling station and all other materials to the returning officer.

DELIVERY NOT REQUIRED

(g) Where the returning officer does not require the ballot box or boxes and the materials to be delivered to him or her, the DRO must keep the same secure until after the close of the poll on ordinary polling day.

CUSTODY OF BALLOT BOXES

(h) A ballot box used at an advance polling station must not be opened until the counting of the votes takes place at the close of the polls on ordinary polling day, and during this time the ballot box must remain in the custody of the returning officer or DRO, as the case may be.

DELIVERY OF LIST OF VOTERS AT CLOSE OF POLL

(4) At the close of an advance poll, the DRO must complete the list of persons who voted at the advance polling station in Form 37 and forthwith deliver to the returning officer the completed list.

APPENDIX "B"

PROCEDURE FOR FEWER THAN 25 VOTES

(5) Where fewer than twenty-five persons from any polling district served by an advance polling station voted at that advance polling station, the ballots must be counted as prescribed in Section 119 and in all other cases the ballots from an advance polling station must be counted as prescribed by Section 120.

DELIVERY OF BALLOTS ON ORDINARY POLLING DAY [S.119]

(6) (a) During polling hours on ordinary polling day at the time and place prescribed by the returning officer, the DRO, in the presence of the poll clerks, candidates or agents who are present, must,

(i) open the ballot box;

(ii) without looking at the front of the ballots, separate the ballots cast for councillors or school board members for each polling district;

(iii) place the ballots in separate envelopes for each polling district;

(iv) place in the same envelopes a number of ballots cast for mayor or other person to be elected at large;

(v) seal the envelope and indicate the number of ballots for each office on the outside of the envelope;

(vi) sign and request the poll clerk and such of the candidates or agents who choose to do so to sign across the seal of each envelope;

(vii) deliver the envelopes to the polling stations designated by the returning officer.

(b) Where an envelope is delivered to a designated polling station, the DRO must, in full view of the poll clerks, candidates or agents who are present, and the DRO who delivered the envelope, without opening the ballot box, place the ballots from the envelope individually into the ballot box.

(c) Where ballots from an advance polling station have been added to ballots cast at an ordinary poll, the DRO must note the number of additional ballots provided from the advance polling station in the statement of poll completed in Form 33 or 34 in the poll book, whichever is applicable.

APPENDIX "B"

COUNTING ADVANCE POLL VOTES ON ORDINARY POLLING DAY [s.120]

(7) At the close of polls on ordinary polling day, the DRO for each advance polling station must, at the place where the advance poll was held or at the office of the returning officer and in full view the poll clerks, candidates or agents who are present,

(a) open the ballot box;

(b) count the votes; and

(c) perform all the other duties required of a DRO in charge of a polling station.

CUSTODY AND TRANSMISSION OF ADVANCE POLL RECORD OF VOTERS

(8) The returning officer must

(a) keep in his or her headquarters the list delivered in Form 37 and make it available for public inspection at all reasonable times;

(b) transmit a copy of the list in Form 37, before the opening of the polls on ordinary polling day, to the DRO of each polling station; and

(c) draw a line through the names of all electors who voted at the advance poll and add to the list the names of electors who voted at the advance poll whose names do not appear on the list together with the notation "voted at advance poll".

OFFENCE

(9) Every person who

(a) forges or fabricates a declaration in Form 36 and presents it to the DRO or poll clerk at an advance polling station; or

(b) for the purpose of having a certificate in Form 36 issued by the DRO at an advance polling station makes a false statement; or

(c) after having voted at an advance polling station, votes or attempts to vote at a polling station on ordinary polling day,

is guilty of a corrupt practice and is liable to fine of not more than $2,500.00, or to imprisonment for a term of not more than six months, or both.

APPENDIX "B"

VOTING AFTER SWORN

(10) (a) A person whose name is not on the final list of electors of the district in which he or she resides may present himself or herself for the purpose of voting at the advance poll.

(b) The DRO must administer the oath in Form 31 in the Schedule.

(c) Before administering the oath, the DRO is authorized to require the person to produce evidence of identification and residence satisfactory to him or her.

(d) When the person has taken the oath the DRO must add his or her name to the final list of electors and permit him or her to vote.

APPENDIX "C"

Advertisement #1

MUNICIPAL ELECTIONS

MUNICIPALITY OF _____

NOTICE

POSTING OF PRELIMINARY LISTS OF ELECTORS

AND

SITTING OF REVISING OFFICER

TAKE NOTICE that the preliminary lists of electors for use during the municipal election in the Municipality of _____ to be held on Saturday, October ___, 19___, have been posted and the lists may inspected at the following places Monday through Friday between 9:00 am and 4:00 pm:

All Polling Districts	Office of the Municipal Clerk Room 222 Municipal Building (address)
Polling Districts 11-20	Office of the Court Clerk Court House (address)

AND TAKE NOTICE that the Revising Officer(s) will sit to make additions or corrections at the following time and place(s):

Thursday, August ____, 19___, 12:00 noon - 8:00 pm

Polling Districts 1-10	Office of the Municipal Clerk Room 222 Municipal Building (address)
Polling Districts 11-20	Office of the Court Clerk Court House (address)

Dated at _____, Nova Scotia, this ____ day of July, 19___.

_____(print name)_____
Returning Officer

APPENDIX "C"

Advertisement #2

MUNICIPAL ELECTIONS

MUNICIPALITY OF _____

NOTICE

NOMINATIONS OPEN

TAKE NOTICE that the undersigned will accept nominations for the following offices in the Municipality of _____ for which an election will be held on the ___ day of October, 19 ___:

Mayor

Five Councillors elected at large
(or One Councillor for each of Polling Districts 1-20)

One District School Board Member for the
electoral district comprising the Town of _____
and Polling Districts _____ and _____ of the
Municipality of _____

AND TAKE NOTICE that a nomination shall be filed at the office of the Returning Officer, Room 222, Municipal Building, 1234 Main Street between 9:00 am and 5:00 pm on nomination day which is Monday, September ____, 19___, or by appointment during the week immediately preceding nomination day.

[OR WHERE another person is the Returning Officer for the election of the member of the District School Board the following:]

[AND TAKE NOTICE that electors in Polling Districts _____ and _____ of Municipality _____ will elect one person to be a member of the _____ District School Board for the electoral district comprising the Town of _____ and Polling Districts _____ and _____ of the Municipality of _____ and a nomination for that office shall be filed at the office of the Returning Officer (address) between 9:00 am and 5:00 pm on nomination day which is Monday, September ___, 19___, or by appointment during the week immediately preceding nomination day.]

DATED at _____, Nova Scotia, this _____ day of September, 19_____.

_____(print name)_____
Returning Officer

APPENDIX "C"

Advertisement #3

MUNICIPAL ELECTIONS

MUNICIPALITY OF _____

NOTICE

TAKE NOTICE that the following nominations have been received in respect of the municipal elections to be held in the Municipality of _____ on Saturday, the _____ day of October, 19____. electors may vote between 8:00 am and 7:00 pm at the locations listed below or, if they are qualified to do so, at the advance poll location(s) listed below:

Office	Candidate	Ordinary Polling Day Polling Places
Mayor	John Doe Mary Doe	In your Polling District
Councillor, Polling District #1	Megan Roe Richard Roe	Little Red School (all polling divisions)
Councillor, Polling District #2	Peter Platt declared be acclamation	Little Blue School (for mayor and school board only)
Councillor, Polling District #3	No nomination received. Special election will be announced	Little Yellow School (for mayor and school board only)
Councillor, Polling District #4	Ann Brown Charles Brown	Polls 1-20 Little Green School House Polls 21-40 Fire Hall
Member of _____ District School Board	Carol Jones Thomas Jones	In your Polling District

ADVANCE POLL

_____ day, 19___
12:00 noon - 8:00 pm
Tuesday, October ___, 19___
12:00 noon - 8:00 pm

Polling Districts 1 & 2 vote at: Little Red School
Polling Districts 3 & 4 vote at: Little Yellow School

APPENDIX "C"

An elector may vote at the advance poll who

(a) is physically disabled;

(b) is scheduled to be a patient in a hospital on ordinary polling day;

(c) objects by reason of religion or other reason of conscience to voting on ordinary polling day;

(d) expects to be required to be at his place of business or employment during the whole of the time fixed for voting on ordinary polling day;

(e) is a deputy returning officer, poll clerk or election clerk;

(f) is an agent appointed by a candidate and who produces his duly completed appointment in form 13; or

(g) has reason to believe that he will be absent from the municipality during the whole of the time fixed for voting on ordinary polling.

AND TAKE NOTICE that a description of the boundaries of each polling district and polling division within a polling district in the municipality may be inspected at the municipal office (address) during regular office hours.

Dated at _____, Nova Scotia, this _____ day of September, 19____.

_____
(print name)
Returning Officer

APPENDIX "C"

Advertisement #4

MUNICIPAL ELECTIONS

MUNICIPALITY OF _____

NOTICE TO DISABLED ELECTORS

TAKE NOTICE that the following polling stations are in premises permitting convenient access and a disabled elector who wishes to do so may apply to the undermentioned Returning Officer for a transfer certificate permitting the elector to vote at an accessible poll instead of the polling station where the elector's name appears on the final list of electors.

Polling District/Polling Division		Location of Accessible Poll
#1	Polls 1-20	Little Red School
	Polls 21-40	Community Centre
#2	All Polls	Fire Hall
#3	All Polls	Court House

You may telephone the Returning Officer to determine whether your name is on the final list of electors and to make an appointment for the certificate to be issued. Transfer certificates may be issued at any time before 5:00 pm on Wednesday, October ___, 19___.

Dated at _____, Nova Scotia, this ___ day of September, 19___.

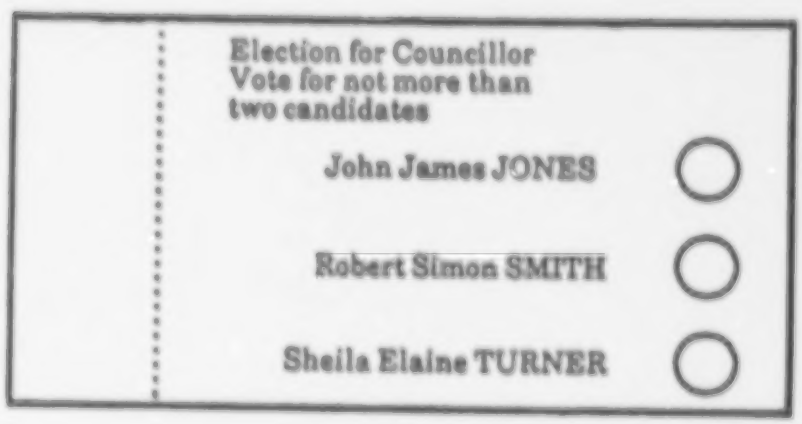
_____(print name)_____
Returning Officer
(street address)
(telephone number)

FORM 23 APPENDIX "D"

SECTION 68

ATTENTION ELECTORS

Mark the ballot paper by placing an "X", a cross "+" or a check mark in the circular space on the ballot paper at the right of the name of the candidate (or names of the candidates if more than one are to be elected) for whom you intend to vote.



Then fold and return to the Deputy Returning Officer.

A spoiled ballot may be exchanged for a new one.

Warning: It is an offence to so mark the ballot paper that you may be thereby identified.

APPENDIX "E"

FORM 26 A

SECTION 98

OATH OF ELECTOR NOT ON LIST OF ELECTORS
(For Use Where Elector Can Only Vote
In School Board Election)

I swear (or solemnly affirm):

1. That on this date I actually reside in Polling Division Number _____ of the _____ of _____.

2. That for a period of six months immediately preceding ordinary polling day in this election I have been ordinarily resident within the school board electoral district in which my polling division is located.

3. That I am a Canadian citizen or a British subject and am of the full age of eighteen years, and am qualified to vote at this election.

Address of Elector	Signature of Elector
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Sworn to at _____ in the County of _____,

this _____ day of _____, 19_____, before me

_____
Deputy Returning Officer

MUNICIPAL ELECTIONS ACT
SPECIAL ELECTION

APPENDIX "F"

SUN.	MON.	TUES.	WED.	THURS.	FRI.	SAT.

APPENDIX "G"

LIST OF NURSING HOMES AND HOMES FOR THE AGED FOR WHICH SEPARATE POLLING STATIONS MUST BE ESTABLISHED

FEBRUARY 1991

ANNAPOLIS COUNTY

Annapolis Royal Nursing Home
Mrs. Florence Wolfe
St. George Street
Annapolis Royal, B0S 1A0
(532-2240)

Mountain Lea Lodge
Mr. Larry Marsters
RR#1, Church Street
Bridgetown, B0S 1C0
(665-4489)

Northhills Nursing Home Ltd.
Ms. Frankie Sheehy, R.N.
Administrator,/D.O.N.
P.O. Box 220
Annapolis Royal, N.S., B0S 1A0
(532-5555)

ANTIGONISH COUNTY

R.K. MacDonald Guest Home
Mrs. Evelyn Lindsay
64 Pleasant Street
Antigonish, B2G 1W7
(863-2578)

APPENDIX "G"

CAPE BRETON ISLAND

MacGillivray Guest Home
Mr. Jack Coffey, Admin.
25 Xavier Drive
Sydney, Cape Breton Co.
B1S 2R9
(539-6110)

Victoria Haven Nursing Home
Mr. William MacLeod
429A Third Street
Glace Bay, Cape Breton Co.
B1A 4G6
(849-8826)

Alderwood Home for the Aged
Mrs. Marcella Roberts, Administrator
P.O. Box 218, Baddeck
Victoria Co., B0E 1B0
(295-2644)

Foyer Pere Fiset
Mrs. Lorraine Aucoin, Admin.
Cheticamp, Inverness Co.
B0E 1H0
(224-2087)

Seaview Manor
Mr. Dan Munroe, Admin.
275 South Street
Glace Bay, Cape Breton Co.
B1A 1W6
(849-7300)

Breton Bay Nursing Home
Mr. Bob Fougere, Admin
70 St. Anthony Drive
Sydney, Cape Breton Co.
B1S 2R5
(539-4560)

Port Hawkesbury Nursing Home
Ms. Fran Payne, Admin.
P.O. Box 2105
Port Hawkesbury, Inverness Co.
B0E 2V0
(625-1460)

Inverary Manor
Mrs. Joan MacLellan
Maple Street
P.O. Box 460, Inverness Co.
B0E 1N0
(258-2581/2842)

Richmond Villa
Miss Isabelle Johnston
P.O. Box 250
St. Peter's, Richmond Co.
B0E 3B0
(535-3030)

Highland Manor
Mrs. Donna Rideout, Admin
Neil's Harbour, Victoria Co.
B0C 1N0
(336-2895)

APPENDIX "G"

CAPE BRETON ISLAND (Continued)

Maple Hill Manor
Mrs. Maryena Yurczyszyn
700 King Street
New Waterford
Cape Breton Co. B1H 3Z5
(862-6495)

Northside Community Guest Home
for the Aged
Mrs. Lucy MacEachern
P.O. Box 100
11 Queen Street
North Sydney, Cape Breton Co.
B2A 1A2
(794-4733/4734)
(794-8293, 9am-4pm Mon-Fri)

The Cove
Mr. Alfred Matheson, Admin.
Kings Road
Sydney, Cape Breton Co.
B1S 1B9
(539-5267)

St. Anne's Community &
Nursing Care Centre
Mr. William Shea, Admin.
Box 128, Arichat
Richmond Co., B0E 1A0
(226-2883)

COLCHESTER COUNTY

Hillcrest Manors Ltd.
Mrs. Carol MacMillan, Admin.
P.O. Box 1210, Manor Drive
Truro, B2N 5H1
(895-2891)

Glenview Lodge
Mr. Charles Dale, Admin.
RR#3, East Prince Street
Truro, B2N 5B2
(895-8715)

Willow Lodge
Douglas Cunningham, Admin.
Blair Avenue
Tatamagouche, B0K 1V0
(657-3101)

CUMBERLAND COUNTY

Gables Lodge
Mrs. Kathy Maltby
Mailing: Mr. & Mrs. S. Hussain
260 Church St.
Amherst, B4H 3C9
(667-3501)

Highcrest Springhill Nursing Home
Mrs. Mildred Carr-Shrum
P.O. Box 2170
17 MacFarlane Street
Springhill, B0M 1X0
(597-2797)

CUMBERLAND COUNTY (Continued)

East Cumberland Lodge
Ms. Brenda Benjamin, Admin.
P.O. Box 250
Pugwash, B0K 1L0
(243-2504/2505)

DIGBY COUNTY

Tideview Terrace
Mr. Gary Burlingham
P.O. Box 1120
Digby, B0V 1A0
(245-4718)

Villa Acadienne
Mr. Henry Saulnier, Admin.
P.O. Box 178
Meteghan, B0W 2K0
(645-2065)

GUYSBOROUGH COUNTY

MacKaracher's Nursing Home
Mrs. Audrey Taylor, Admin.
Sherbrooke, Guysborough Co.
B0J 3C0
(522-2147)

Milford Haven
Mrs. Betty Richard
P.O. Box 300
Guysborough, B0H 1N0
(533-2828)

Canso Seaside Manor
Ms. Mary Jurcina-Taylor
P.O. Box 70, Canso
Guysborough Co., N. S.
B0H 1H0
(336-3030)

HALIFAX COUNTY

Fairview Villa (Extendicare)
Ms. Carol Ann Gallant
245 Main Avenue
Fairview, B3M 1B7
(443-1971)

Colonial Nursing Home
Mrs. Deborah Morgan-Downey
1019 Lucknow Street
Halifax, B3H 2T2
(420-0697)

HALIFAX COUNTY (Continued)

Glades Lodge
Mrs. Jan White, Admin.
25 Alton Drive
Armdale, B3N 1M1
(477-1777)

Scotia Nursing Homes Ltd.
Mr. Stephen Pace, Admin.
RR#1, Beaverbank, Hfx. Co.
B4C 2S6
(865-6364)

Oceanview Manor
Mr. John Morrison, Admin.
P.O. Box 130
Eastern Passage, B3G 1M4
(465-6020)

Saint Vincent Guest Home
Mr. W. Eric Duggan
2080 Windsor Street
Halifax, B3K 5B1
(429-0550)

Oakwood Terrace
Mr. Glen Griffin, Admin.
10 Mount Hope Avenue
Dartmouth, B2Y 4K1
(469-3702)

HANTS COUNTY

Dykeland Lodge
Mr. W.R. Brooks, Admin.
Curry's Corner
Windsor, B0N 2T0
(798-8346)

Extendicare/Armview
Ms. Karen MacIntyre, Admin.
126 Purcell's Cove Road
Halifax, B3P 1B5
(477-8051)

Melville Lodge
Mrs. Donna Hale
50 Shoreham Lane
Halifax, B3P 2R3
(479-1030)

Northwood Complex
Mr. Lloyd Brown, Admin.
2630 Gottingen Street
Halifax, B3K 3C6
(454-8311)

The Birches
Mrs. Janet Crowell, Admin.
Musquodoboit Harbour
B0J 2L0
(889-3474)

Duncan MacMillan Home for
the Aged
Mrs. Maxine Thibault
Sheet Harbour, B0J 3B0
(885-2545)

Windsor Elms
Rev. Ross MacDonald
590 King Street
Windsor, B0N 2T0
(798-2251)

HANTS COUNTY (Continued)

Freemason's Home
Mr. Reginald H. Stone
558 Wentworth Street
Windsor, B0N 2T0
(798-2169)

KINGS COUNTY

Grand View Manor
Mr. Graham Hardy, Admin.
P.O. Box 309
Berwick, B0P 1E0
(538-3318)

Palmeter's Country Home
Mr. Larry D. Knowles
655 Park Street
Kentville, B4N 3V7
(678-7355)

Wolfville Nursing Home
Mrs. Diana MacDonald, Admin.
RR#2, 346 Main Street
Wolfville, B0P 1X0
(542-2429)

LUNENBURG COUNTY

Mahone Nursing Home
Mrs. Anne Kennedy, Admin.
P.O. Box 320
Mahone Bay, B0J 2E0
(624-8341)

Harbour View Haven
Mr. G.W. Crouse, Admin.
P.O. Box 1480
Blockhouse Hill Road
Lunenburg, B0J 2C0
(634-8836)

Hillside Pines
Ms. Sheila MacKinnon
77 Exhibition Avenue
Bridgewater, B4V 3K6
(543-1525)

Shoreham Village
Ms. Katherine R. Campbell, Admin.
P.O. Box 380
Chester, B0J 1J0
(275-5631)

Rosedale Home
Mrs. Shirley Veinot, Admin.
P.O. Box 8
New Germany, B0R 1E0
(644-2008)

APPENDIX "G"

PICTOU COUNTY

Edward Mortimer Place
Mrs. Katherine V. Sullivan, Admin.
P.O. Box 250
Haliburton Road
Pictou, B0K 1H0
(485-4341)

Valley View Villa
Mr. David Lank, Admin.
RR#1, Riverton
B0K 1S0
(755-5780)

Glen Haven Manor
Mr. James Ferguson, Admin.
739 East River Road
New Glasgow, B2H 5E9
(752-2588)

I.O.O.F. Home
(Maritime Odd Fellows Home)
Mrs. Janet Johnston, Admin.
P.O. Box 850
Pictou, B0K 1H0
(485-5492)

QUEENS COUNTY

North Queens Nursing Home
Mr. Gerald Lohnes, Admin.
P.O. Box 181
Caledonia, B0T 1B0
(682-2553)

Queens Manor
Mr. Brian Selig, Admin.
P.O. Box 1283
Liverpool, B0T 1K0
(354-3451)

SHELBURNE COUNTY

Surf Lodge Nursing Home
Ms. Margaret Coates, Admin.
P.O. Box 160
Lockeport, B0T 1L0
(656-2416)

Roseway Manor Inc.
Mrs. Jean Cox-Mahaney
P.O. Box 518
Sandy Point, Shelburne
B0T 1W0
(875-4707)

YARMOUTH

Villa St. Joseph du Lac
Sister Estelle Arsenault, Admin.
P.O. Box 810, RR#1
Lakeside, Yarmouth
B5A 4A5
(742-7128)

Tidal View Manor
Mr. J.G. McEachern, Exec. Dir.
(Regional Hospital Complex)
60 Vancouver Street
Yarmouth, B5A 2P5
(742-7853)

YARMOUTH COUNTY (Continued)

Nakile Home for the Aged
Mrs. Bertha Brannen, Admin.
RR#1
Glenwood, N.S.
B0W 1WO
(643-2707)

APPENDIX "H"

Province of Nova Scotia)
County of)

IN THE PROVINCIAL MAGISTRATE'S COURT

IN THE MATTER OF: Sections 131 and 132 of the Municipal Elections Act,

R.S.N.S. 1989, c. 299;

IN THE MATTER OF: An application for a Recount Made By

_____
(name of candidate)
a Candidate in a Municipal Election held in Polling

District (Ward) _____ in the
(number)

_____ held
(name of municipality)

on _____.
(date of election)

APPLICATION FOR DATE FOR RECOUNT

TAKE NOTICE that an application will be made by or on behalf of the above named candidate to the Judge of the Provincial Magistrate's Court sitting at the Court House _____ on _____ the
(street address and community where court house is) (day of the week)

_____ day of _____, 19____, at the hour of _____ o'clock in the _____ noon, or so soon
(day) (month) (year)

thereafter as the application can be made for a time and place to be appointed to recount all ballots in the above noted municipal election, which time will be not more than thirty days after this application.

AND FURTHER TAKE NOTICE that you may be present or represented at the hearing of this application and may make submissions regarding the most convenient time and place for the recount, and if you are not present you will be further notified of the time and place for the recount.

AND FURTHER TAKE NOTICE that the applicant has caused the sum of $200.00 in the form of cash, a certified cheque or a money order to be deposited with the clerk of the court as security for costs of the recount.

DATED at _____, Nova Scotia, this _____ day of _____, 19____.
(place) (day) (month) (year)

_____
Candidate or Solicitor for Candidate
(street and mailing address)

TO: Clerk of _____
(name of municipal unit)
Returning Officer (if the Clerk is not the Returning Officer)
Other Candidates: _____
_____

APPENDIX "H"

Province of Nova Scotia)
County of)

IN THE PROVINCIAL MAGISTRATE'S COURT

IN THE MATTER OF: Sections 131 and 132 of the Municipal Elections act, R.S.N.S. 1989, c. 299;

IN THE MATTER OF: An application for a Recount Made By

_____
(name of candidate)
a Candidate in a Municipal Election held in Polling District (Ward) _____ in the
(number)

_____ held
(name of municipality)

on _____,
(date of election)

ORDER

UPON APPLICATION by the above noted candidate;

AND UPON HEARING all persons wishing to be heard in respect of the application for the appointment of the time and place for a recount in the above noted municipal election;

IT IS HEREBY ORDERED that the above noted recount shall take place at

_____
(full address and room number where applicable)

on _____ the _____ day of _____, 19 _____, at the hour of
(day of the week) (day) (month) (year)

_____ o'clock in the _____ noon, or as soon thereafter as the recount can commence.

IT IS FURTHER ORDERED that the following persons shall be notified of the time and place of the recount by personal service on each of them of a copy of this Order. The persons to be served are:

_____, Municipal Clerk
name

_____, Returning Officer
name (delete if Municipal Clerk was Returning Officer)

_____, Candidate
name

_____, Candidate
name

_____, Candidate
name

GIVEN under my hand this _____ day of _____, 19 _____.
(day) (month) (year)

_____
A Judge of the Provincial Magistrate's Court

APPENDIX "H"

COUNCIL OPTIONS UNDER THE MUNICIPAL ELECTIONS ACT

1. Under the terms of the Municipal Elections Act, a Council may

(a) reduce or eliminate the $200 deposit for candidates, by by-law subject to the approval of the Minister of Municipal Affairs [s.51]. The deposit has two purposes, namely, to test the seriousness of a candidate and to ensure the removal of election advertising (See #5 below). If Council does not act, then the $200 deposit will apply;

(b) appoint a registrar of voters (on the recommendation of the returning officer), by resolution [s.22]. The registrar of voters, whose function is to assist the returning officer in overseeing the conduct of the enumeration and the preparation of the lists of electors, is an optional election officer whose functions would otherwise be performed by the returning officer;

(c) use federal or provincial or municipal lists of electors in place of enumeration, if used for an election int he twelve months before ordinary polling day (but not after July 1), by resolution [s.30]. Where a special election is to be held, the Council may by resolution provide that the Returning Officer use the lists of electors prepared in the most recent federal or Provincial election, or in an election held pursuant to the Municipal Elections Act;

(d) fix a day for the first advance polling day to be either the Saturday preceding ordinary polling day or the second Thursday before the ordinary polling day. (An argument could be made in interpreting sections 2(1)(a) and 114(4)(b) that a third advance polling day is authorized. It may be that some Councils may choose to utilize this extra voting opportunity.);

(e) establish a tariff of fees and expenses for election officers, together with a system for rendering and verifying accounts, by resolution [s.139]. The tariff of fees and expenses must be prescribed, but Council has complete freedom as to its contents; (See sample in Appendix "H").

(f) call a special election (by-election) by resolution, to fill a vacancy that occurs within seven to eight months before ordinary polling day in a regular election year (the Act specifies that no special election is to be held within six months, and since the election is held at least five to eight weeks after the vacancy occurs, the extended timing results), by resolution [s.13(6)].

2. A city Council may by by-law opt for the conflict of interest provisions under Section 19 of the Act.

3. To be effective for an election, a by-law respecting the deposit must be approved by the Minister of Municipal Affairs before nomination day, the second last Monday in September. It is advisable to allow at least two weeks for departmental processing and ministerial approval.

4. Where there is a deposit in effect, it must be the same for all candidates, whether for mayor, councillor, alderman, or school board member.

5. The whole deposit will be returned to candidates polling half the votes polled by the successful candidate. Where more than one person is elected, this would be half the votes of the successful candidate receiving the least number of votes. Other candidates will receive half of their deposits back. No part of a deposit may be returned if the candidate does not remove his election advertising within seven days after ordinary polling day.

6. Should Council choose to reduce or eliminate the deposit a sample by-law to that effect follows. (Note that Council may adopt either version of paragraph 2, but not both.)

MODEL BY-LAW

RE: DEPOSIT BY CANDIDATES AT AN ELECTION

(Municipal Elections Act, Section 51)

BE IT RESOLVED by the Council _____ that the following by-law is hereby enacted, and that the Clerk forward two copies of it to the Minister of Municipal Affairs for his approval.

By-Law Respecting Deposits by Candidates at an Election

1. This by-law shall be known as the Election Deposit By-Law.

EITHER

2. Every nomination paper filed by or on behalf of a candidate in any election held under the Municipal Elections Act shall be accompanied by a deposit of _____ dollars.

OR

2. No deposit is required to accompany any nomination paper filed by or on behalf of any candidate in any election held under the Municipal Elections Act.

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law duly passed at duly called meeting of the Council of the _____ of _____ duly held on _____ day of _____.
Dated this _____ day of _____, 19 _____.

.....
CLERK

APPENDIX "I"

A MODEL
TARIFF OF FEES AND EXPENSES
MADE PURSUANT TO SECTION 139
OF
THE MUNICIPAL ELECTIONS ACT

RETURNING OFFICER

1. For all services and expenses in connection with an election, an allowance of _____.

RENTAL OF OFFICE SPACE

2. (a) For use as headquarters, the amount actually and reasonably paid, supported by vouchers,

OR

(b) For use by the Returning Officer of his residence as headquarters, an allowance of _____

(c) For use by the Returning Officer of his business premises as headquarters an allowance of _____

3. For stationery, postage, telegrams, election supplies, ballot boxes, rental of typewriters, adding machines and office furniture, installation of telephones and service, long distance charges, cartage of election supplies, rental of a meeting hall or temporary office, and other incidental outlays necessary in conducting an election, the amount actually and reasonably spent, supported by vouchers.

4. For the services of typists and clerical assistants, including services for the tabulation of election results, an allowance of _____ _____ times the number of names on the official list of electors.

5. For addressing envelopes for mailing lists of electors, an allowance of _____ for each name on the official list of electors.

6. For expenses incurred in the cleaning of ballot boxes before their return to the custodians, for each box an allowance of _____.

REGISTRAR OF VOTERS

7. For all services and expenses in connection with an election, an allowance of _____.

APPENDIX "I"

ELECTION CLERK

8. For assisting returning officer in connection with an election, an allowance of _____.

ENUMERATORS

9. For services and expenses required in the enumeration of electors, the sum of _____ plus _____ for the name of each elector properly Included in the Enumerator's Index Sheets.

REVISING OFFICER

10. For all services performed in connection with the revision of names, a daily allowance of _____.

DEPUTY RETURNING OFFICERS

11. (a) For all services and expenses in connection with an election, a daily allowance of _____.

(b) For standby service as a substitute, a daily allowance of_____.

POLL CLERKS

12. (a) For all services and expenses in connection with an election, a daily allowance of_____.

(b) For standby service as a substitute, a daily allowance of_____.

CONSTABLES

13. For all services at ordinary polls, at advance polls and at the revisal office the hourly wage of _____ times the number of hours.

APPENDIX "I"

TRAVEL ALLOWANCE

14. A returning officer, election clerk, revising officer, and revision clerk is authorized to be paid a travel allowance in connection with the conduct of an election as follows:

(a) for distance actually travelled by private care, supported by an itemized statement, the rate from time to time paid to employees of the municipality.

(b) for travel by other means of transportation the expenses necessarily and reasonably incurred, supported by vouchers.

(c) actual and reasonable living expenses, supported by vouchers.

PRINTING CLAIMS

15. (a) For the printing, numbering and binding or stitching of ballot papers, the actual cost incurred, supported by vouchers.

(b) For the printing of election lists, the actual cost, supported by vouchers.

RECOUNTS OR CONTROVERTED ELECTIONS

16. For required attendance by the returning officer at a recount or a court application regarding a controverted election, a daily allowance of _____ .